

**Additional Proposed Legislation for the
April 13, 2010 City Council Meeting -
Filed in the Office of the City Clerk
March 26 Through April 1**

Document 1 of 2



City of Rochester

City Hall Room 307A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

NEIGHBORHOOD & BUSINESS DEVELOPMENT INTRODUCTORY NO.

140, 141



Robert J. Duffy
Mayor

23

March 25, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Planned Development District #10--University
of Rochester City Campus

Transmitted herewith for your approval is legislation relating to the conversion of an existing Institutional Planned Development District (IPD) to a Planned Development District (PD) to support the implementing strategies of the University of Rochester's (UR or University) 2008 Master Plan. This new district requires the following legislation:

1. Amendment of the Zoning Map by rezoning 45 properties as follows:
0, 0R, 101, 380-600, 612, 615, 630, 655, 670, 940, 970, 1000, 1016, 1044, 1045, 1085, and 1155 Joseph C. Wilson Boulevard, 160, 400, 410, 241, 275, 420, 430, and 487 Elmwood Avenue, 72, 96, 100, 110-170, 210, 260, and 255 Crittenden Boulevard, 300-400 Kendrick Road, 255 Lattimore Road, 219 Castleman Road and 333 Westmoreland Drive from Institutional Planned Development District (IPD#5)-University of Rochester and Medical Center District; 555 and 665 Joseph C. Wilson Boulevard and 245 Elmwood Avenue from O-S Open Space; and 216, 224, 265, and 275 Westmoreland Drive from R-1 Low Density Residential, to Planned Development District #10--University of Rochester City Campus District (PD#10); and
2. Amendment of the Zoning Text by adding the PD#10-University of Rochester City Campus development concept regulations to Chapter 120, the Zoning Code.

The U of R Medical Center and River Campus encompass approximately 424 acres bound by the Genesee River, McClean Street, Mt. Hope Cemetery, Mt. Hope Avenue, Crittenden Boulevard, Castleman Road, the Erie Canal, Genesee Valley Park, and Elmwood Avenue. The area is currently zoned Institutional Planned Development (IPD#5)-University of Rochester and Medical Center.

The IPD was established in the 1970's and regulated under the 1975 Zoning Code. The current Zoning Code, adopted in 2003, replace IPD's with Planned Development Districts, in part because the floor area ratio method used previously has been problematic and ineffective in regulating development.

The issuance of the University of Rochester 2008 Campus Master Plan was the impetus for the creation of a new Planned Development District. The intent of the Master Plan is to provide a flexible framework for the orderly development and growth of the University's lands and facilities on the River and Medical Center Campuses covering a period of at least twenty years. It aims to manage future growth and development within the district by creatively combining the University's traditional architectural heritage with innovative designs for new buildings and other site improvements.

The U of R opted to move towards a more form-based code which specifies build-to lines; transparency, massing, scale and screening requirements; and materials and height limitations. It also recognizes the need for compatibility in areas of the campus that interface with adjacent residential and open space areas, public rights-of-way, and the Collegetown Village district along Mt. Hope Avenue.



PD#10 will be divided into two sub-areas: 1. River Campus (U of R academic campus), and 2. Medical Center/Mid Campus (Medical Center and all properties to the south).

A copy of the City Planning Commission Staff Report, which includes the University of Rochester 2008 Campus Master Plan and Design Guidelines, is on file in the Office of the City Clerk.

The Planning Commission held an informational meeting on February 8, 2010. There were no speakers in support or opposition to the proposal and four neutral speakers. By a vote of 5-0-2, the Commission recommends approval. The minutes of that meeting are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, The Director of Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing on the zoning amendments is required.

Respectfully submitted,



Robert J. Duffy
Mayor

List of Properties to be Zoned PD#10

	Address	SBL
River Campus		
1	0 Joseph C. Wilson Blvd.	135.44-1-2
2	0 Joseph C. Wilson Blvd.	135.44-1-1
3	0 Joseph C. Wilson Blvd.	135.44-1-3
4	0R Joseph C. Wilson Blvd.	135.52-1-1
5	101 Joseph C. Wilson Blvd.	135.59-1-1
6	380-600 Joseph C. Wilson Blvd.	136.29-1-2
7	555 Joseph C. Wilson Blvd.	136.21-1-11.004
8	612 Joseph C. Wilson Blvd.	136.29-1-4
9	615 Joseph C. Wilson Blvd.	136.29-1-6.001
10	630 Joseph C. Wilson Blvd.	136.29-1-3
11	655 Joseph C. Wilson Blvd.	136.29-1-5.001
12	665 Joseph C. Wilson Blvd.	135.36-1-1.004
13	670 Joseph C. Wilson Blvd.	135.36-1-1.003
14	940 Joseph C. Wilson Blvd.	135.51-1-2/00SC
15	970 Joseph C. Wilson Blvd.	135.51-1-2/00PU
16	1000 Joseph C. Wilson Blvd.	135.51-1-2/00TC
17	1016 Joseph C. Wilson Blvd.	135.51-1-2/0ADP
18	1044 Joseph C. Wilson Blvd.	135.51-1-2/00DU
19	1045 Joseph C. Wilson Blvd.	135.51-1-7.001
20	1085 Joseph C. Wilson Blvd.	135.51-1-5.001
21	1155 Joseph C. Wilson Blvd.	135.51-1-3
22	160 Elmwood Ave.	135.59-1-2
23	400 Elmwood Ave.	135.51-1-2
24	410 Elmwood Avenue*	135.60-1-1
Medical/Mid Campus		
25	245 Elmwood Ave.	135.59-1-3
26	241 Elmwood Ave.	135.59-1-4
27	275 Elmwood Ave.	135.67-1-2.001
28	420 Elmwood Ave.	135.60-1-2
29	430 Elmwood Ave.	135.60-1-3
30	487 Elmwood Ave.	135.60-1-4
31	72 Crittenden Blvd.	136.53-1-10
32	96 Crittenden Blvd.	136.53-1-9
33	100 Crittenden Blvd.	136.53-1-8
34	110-170 Crittenden Blvd.	136.53-1-1
35	210 Crittenden Blvd.	135.60-1-5
36	260 Crittenden Blvd.	135.60-1-6
37	255 Crittenden Blvd.	135.68-1-1
38	300-400 Kenrick Road	135.75-1-1
39	255 Lattimore Road	135.76-1-67
40	219 Castleman Road	135.76-1-55
41	216 Westmoreland Drive	135.84-1-2
42	224 Westmoreland Drive	135.84-1-1
43	265 Westmoreland Drive	135.84-2-2
44	275 Westmoreland Drive	135.84-2-1
45	333 Westmoreland Drive	135.83-1-1

* Property owned by Rochester Gas & Electric

February 8, 2010

CITY PLANNING COMMISSION

RECOMMENDATION

**PLANNED DEVELOPMENT DISTRICT
UNIVERSITY OF ROCHESTER**

PROPERTY ADDRESSES: 0, 0R, 101, 380-600, 612, 615, 630, 655, 670, 940, 970, 1000, 1016, 1044, 1045, 1085, and 1155 Joseph C. Wilson Boulevard, 160, 400, 410, 241, 275, 420, 430, and 487 Elmwood Avenue, 72, 96, 100, 110-170, 210, 260, and 255 Crittenden Boulevard, 300-400 Kendrick Road, 255 Lattimore Road, 219 Castleman Road and 333 Westmoreland Drive.

Case No: M-05-09-10 / T-01-09-10 / PD#10

Resolution:

RESOLVED, that the City Planning Commission recommends that the Zoning Map and Text be amended by rezoning properties owned by the University of Rochester from Institutional Planned Development District (IPD#5)-University of Rochester and Medical Center District to Planned Development District (PD#10)-University of Rochester City Campus District.

And further recommends that the properties at 555 and 665 Joseph C. Wilson Boulevard and 245 Elmwood Avenue, zoned O-S Open Space; and 216, 224, 265, and 275 Westmoreland Drive, zoned R-1 Low Density Residential be included in PD#10. These properties are owned by the University of Rochester and are either vacant land or are developed with parking which serves existing uses located within the proposed PD#10.

The recommendation of approval is based on the following findings as required by Section 120-190C(3)(c)(2) of the Zoning Code:

A. The proposed amendment conforms to the goals, standards and objectives of the Comprehensive Plan.

1. The purpose of Planned Development Districts (PD), in accordance with Section 120-122 of the 2003 Zoning Code, are to recognize a defined area for unified and integrated development and are intended to create more flexible development opportunities than would be possible through the strict application of the land use and development regulations of this chapter. Planned Development Districts allow diversification in the uses permitted and variation in the relationship of uses, structures, and open spaces and are conceived as cohesive unified projects with unique standards and regulations. The proposed Planned Development District (PD#10)-University of Rochester City Campus District map and regulations are consistent with the purpose statement and objectives of a Planned Development District.

Findings (continued):

2. The proposed rezoning is supportive of the policies and goals of the City's Comprehensive Plan - Rochester 2010 as follows:

Campaign Two - Educational Excellence. It is the policy of our city to support the highest quality educational and job-training opportunities for our citizens on a life-long basis.

Campaign Five - Regional Partnerships. It is the policy of our city to promote the concept of Rochester as the economic, social, cultural, transportation and institutional center of our county and region by supporting a collaborative approach by businesses, organizations and area governments to communicate positive images of our city and region to our citizens and prospective visitors and residents.

Campaign Six - Economic Vitality, which strives to develop and promote a business and financial environment that facilitates the expansion and retention of existing businesses and the attraction and creation of new businesses with a special focus on the emerging high-technology industries; support a highly skilled and highly-trained workforce that is capable of supporting a broad range of new and existing employment opportunities; and promote the recognition, on the part of government, business, industry and employees locally, regionally, and nationally, that the Greater Rochester community is a world class community in many areas such as imaging and optical technologies, and therefore a good place to locate as well as to stay.

The University of Rochester is the Region's largest employer. The University's 2008 Master Plan provides a framework for the orderly growth and development of the University's lands and facilities covering a period of at least twenty years.

The master plan encompasses the University of Rochester's (U of R or University) major campuses aligned under the concept of "One University – One Plan," which outlines three guiding principles: coherence by accommodating growth and improving quality throughout the campus, and developing a sustainable campus; compaction by maintaining and renovating existing buildings, managing growth through infill, reinforcing the Universities edges, and to maintain and improve the existing intimate scale; and connections, which focuses on developing connections across a variety of scales, improving campus access and circulation with a new Kendrick Road Gateway, encouraging alternative means of transportation, and extending the quality of the core campus to the perimeter.

Findings (continued):

B. The proposed Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby properties and with the character of the neighborhood:

1. The proposal is to convert an existing Institutional Planned Development District (IPD#5) to a Planned Development District (PD#10) to support the implementing strategies of the University of Rochester's 2008 Master Plan.
2. The original IPD was established in the 1970's, and was most recently amended by City Council in 1990. The current IPD#5 is divided into eight (8) subareas, which regulated development and redevelopment of U of R properties through the use of floor area ratio (FAR = floor area square footage / land area square footage), and bulk, space, yard and height requirements. The method of using FAR has been proven to be a problematic and ineffective way to regulate development. The University of Rochester opted to move towards a more form-based code which specifies build-to lines, transparency requirement, massing, scale and screening requirements, materials and height limitations, and which recognizes review and control over areas of the campus that interface with adjacent residential and open space areas and public rights-of-way.
3. The proposed PD#10 regulations are unique in that they manage future growth and development within PD#10 by creatively combining the University's traditional architectural heritage with innovative designs for new buildings and other site improvements. It also allows for orderly transitions among land uses within and adjacent to the campus recognizing its proximity to the Genesee River, Genesee Valley Park, and Mt. Hope Cemetery, and the new Collegetown district on Mt. Hope Avenue.
4. The University of Rochester has conducted meetings with the Town of Brighton, the Mt. Hope Business Association, The Landmark Society, Upper Mt. Hope Neighborhood Association, South East Area Coalition Task Force, and Sector 4 to present the U of R 2008 Master Plan and the vision for the University.
5. The proposed Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby properties and with the character of the neighborhood.

C. The properties affected by the Zoning Map Amendment are suitable for uses under the proposed zoning:

1. The proposal is to convert an existing IPD to a PD. Both are unique regulations specific to the U of R Medical Center and River campuses, but which shift from a code which regulates development by square footage and height and space requirements, and moves toward a more contextual code which specifies where development be appropriately located and designed to be compatible with nearby land uses and rights-of-way.

Findings (continued):

- D. The properties affected by the Zoning Map Amendment will be served by essential public facilities and services.**

The applicant indicated the importance of a sustainable campus which focuses on maintaining existing buildings, creating a well connected and walkable campus, and encouraging infill development while discourages urban sprawl. In the short term, five to ten years, the existing infrastructure is sufficient to meet the demands of development and redevelopment plans. In the long term it has been identified that some of the facilities i.e., electric, gas and water, will need to be upgraded. The U of R has been working with private and public utility agencies to determine the anticipated need for future development.

Vote:	Motion Passes
Action:	Recommend Approval
Record of Vote:	5-0-2
D. Watson	Recommend Approval
S. Rebholz	Recommend Approval
D. Suchy	Recommend Approval
H. Zimmer-Meyer	Recommend Approval
E. Marlin	Recommend Approval
W. Clark	Recused
J. Vazquez	Recused

MINUTES**ZONING MAP AMENDMENT and ZONING TEXT AMENDMENT****M-05-09-10 / T-01-09-10 / PD#10****CITY PLANNING COMMISSION INFORMATIONAL MEETING (02/08/10)****APPLICANT: University of Rochester**

PURPOSE: To amend the Zoning Map by rezoning 38 properties from Institutional Planned Development District #5-University of Rochester and Medical Center District (IPD#5) to Planned Development District #10-University of Rochester City Campus District (PD#10) encompassing the University of Rochester River, Medical Center and South Campuses; and

To amend the Zoning Text by adding the development concept regulations for PD#10 to Chapter 120 of the City Code.

In preparation of the Zoning Map and list of addresses within the proposed PD#10 it was discovered that three (3) properties at 555 and 665 Joseph C. Wilson Boulevard and 245 Elmwood Avenue, owned by the University of Rochester, are mapped in the O-S Open Space District, but should have been located in the IPD#5. It is requested that the Planning Commission include this zoning map correction in their recommendation to City Council for inclusion in PD#10.

It was also discovered that the U of R owns four (4) properties at 216, 224, 265 and 275 Westmoreland Drive located in the R-1 Low Density Residential District. Staff requests that the Planning Commission consider including these parcels in their recommendation to City Council for inclusion in PD#10.

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Commission members Clark and Vazquez recused themselves due to a conflict of interest as they both hold positions on the University Of Rochester Board of Directors.

Commission member Rebholz made the following statement: I am Steve Rebholz and my company, SWBR Architects, has current contracts with the University of Rochester although to best of my knowledge the proposed zoning map amendment would not affect these agreements in any way. I believe I can hear this case and impartially decide on the matter.

Commission member Heidi Zimmer-Meyer made the following statement: I am Heidi Zimmer-Meyer of the Rochester Downtown Development Corporation and the University of Rochester sits on my Board of Directors, but we have not had any discussions about this rezoning proposal, it is more connected to the Eastman School operations.

Thomas Greiner, Esq., Nixon Peabody Attorneys at Law, Ronald Poprocki, Senior Vice President for Administration and Finance and also the CFO at the University of Rochester, Richard Pifer, Associate Vice President of Facilities and Services, and Dennis Kennelly, Principal, FRA Engineering presented the proposal.

T. Greiner: The majority of the University of Rochester properties are located within IPD#5, Institutional Planned Development Districts, adopted in the mid 1970's when several IPD's were instituted. It is an outmoded term. The current zoning code which was adopted in 2003 now talks about PD's, Planned Development Districts, and it no longer facilitates IPD's. The 2003 code is much more performance based than the prior zoning code. The U of R Master Plan and the proposed implementing regulations try to follow that structural change in the 2003 code.

R. Poprocki: Good evening. I am very pleased on behalf of the University to provide some introductory remarks for the proposed rezoning action, an action that is very important as it represents several years of work initiated in 2005 with the arrival of President Joel Seligman. When President Seligman arrived on campus he initiated two processes; the first was a strategic plan which dealt with the programmatic direction of the University and the quality of the programs at the University, the second was a campus master planning process to take a comprehensive look at all of our facilities and land holdings and to put together a conceptual framework for future growth of the University, a plan that provides options for proceeding rationally and which permits growth, and which does not in itself generate any development.

The master plan is particularly important to us because since inception of the medical center campus and the river campus, over the decades that on average we have added about one million square feet of space per decade. No one can predict the pace in which we will grow in the future, but it is certain that we are going to grow. What we want to do is to bring to that growth coherence so that what we have is a campus that the University finds functional and the community can be proud of.

The campus master plan is the foundation for our proposed rezoning and emphasizes connection, not only connection across the campuses to bring more coherence there, but also a connection with the surrounding neighborhoods. What you will find not only in recent developments but in the course of this process is an ongoing communication process and partnership with our neighbors as well as the City.

R. Pifer: One of the things that our master plan does is emphasize One University - One Plan. It pertains to all U of R properties. While I recognize that our proceedings tonight concentrate on everything within the city of Rochester and the institution itself I did want to point out that we do look at the institution from all aspects.

The first slide reflects how life works at the River Campus and how we conduct business on the Medical Center and where we have housing. Notice there is housing around the edges, heavy duty research and patient care in the center of the medical center, academics in the center of the River Campus. Those kinds of activities will continue under the master plan, but will be more dense.

The Master Plan was developed base on three principals; coherence, compaction, and connection.

I have mentioned that it is One University - One Plan and that is important from the University's perspective that all of us at the U of R understand we are in this together and we are moving down this road together and we continue to emphasize that. We want to accommodate growth and we do expect to continue to grow. We have some projects in construction now and we have a couple of projects in design and we are certainly thinking of more. We believe we have a beautiful campus and it works well for those who visit, work there, study there, and we want to make sure we continue to improve the quality of the campus in all aspects, and we certainly want to remain sensitive to the environment and we want to develop a sustainable campus.

Part of the way we do this is to maintain our intimate scale. We are a residential college; about 85% of our students live on campus. When the students are on campus, and when the parents visit the campus there is an intimacy we want to preserve. We are fortunate to be bordered by the linear park along the River's edge and the Mt. Hope cemetery. We have the advantages of being an urban campus and at the same time when you are on the campus it can at times feel almost rural. We want to make sure that feel is retained.

We have a little over eleven million square feet of property now, much of it was constructed at the same time, which means that much of the deferred maintenance is coming due at about the same time, which creates a competition for resources, and as we look at new programs and growth we recognize at the same time we need to take care of what we have.

As we grow we want to avoid urban sprawl. One of the principals is growth through infill. Although we are blessed with more land than any of our peers we want to avoid using green space if we don't have to. We want to accommodate this growth through infill which has an advantage of keeping our researchers and clinical care personnel close together and promoting pedestrian traffic across campus and in many ways reinforces the entire intent of the master plan.

We have worked with the Upper Mt. Hope neighbors along Castleman, the Mt. Hope Business Association and the 19th Ward. We recognize that in terms of scale and mass of buildings along our edges need to be reflective of the community and need to reflect and recognize what's across the street. So as we look at the master plan along Castleman, over time that will be converted to housing and that housing will be of a scale that is similar in size to what's across the street; two stories of three stories stepping up to higher buildings as we move away from the adjacent neighborhood. The same is true along the park. We recognize the sensitivity of the park and we have had a number of discussions with city representative and what is appropriate along the edges of the park recognizing the scale and use of nearby buildings and the density will increase as development grows toward the center of the campus.

When we look at the future expansion plans of the athletic center near the park and development of housing near the cemetery we will soften the edges and be respectful to the neighborhood.

Connections are important to us both internally and externally. We know that we need to improve pedestrian and vehicular access and circulation at the institution. We have a number of initiatives that we have identified such as green space and green pathways and we have worked with the city on the trail system that runs along the edge of the canal across the University and ties back into the trail system along the river. We are presently working with the city on the Rails to Trails program with the connection coming across the abandoned railroad bridge. We think that pedestrian effort tied to bicycles and sustainability makes a lot of sense for our neighborhood and for our student population.

Vehicular access and traffic are major concerns and Dennis Kennelly will talk more about traffic and traffic studies and what we have done while working with the County and City and the neighborhood. We want to improve circulation on and around the campus. We have in our master plan the proposal to straighten Kendrick Road. It does a number of things for us, primarily it provides better land use on either side of the road and aligns this major artery such that when it is straightened a vehicle traveling up the road to the north will have directly ahead of them a view of the dome of Rush Rhees Library, the major symbol of the campus.

We think alternative transportation is very important and we are working with RGRTA in the hopes of locating a transit center in Collegetown.

Collegetown, while it is not a part of the proposed PD it is certainly a part of what happens in the neighborhood.

As we extend the quality of the core campus we will work with the community and the transportation folks with regard to garages and changes in traffic patterns. We are presently working with the City as they work on the reconstruction of Mt. Hope Avenue which will relieve most of the congestion at the intersection of Mt. Hope Avenue and Elmwood Avenue.

D. Kennelly: Hello, I am Dennis Kennelly from FRA Engineering. As the master planning process was going on at the same time we were retained to help review the environmental and infrastructure and their potential impacts that will come with future growth. As it was stated earlier, there is no project attached to this plan, but we still need to project what will happen with utilities, gas, electric, water, etc., and we have had a coordinated effort with all of these private and public agencies and have learned that some of these facilities will need to be upgraded as development occurs.

The biggest potential impact is traffic. We have been conducting traffic studies along with advancement of the master plan for the last several years. We completed a comprehensive traffic study in concert with the City, Monroe County and the State of New York. It is a challenge to predict traffic needs and impacts beyond five years so one of the things we plan on doing is to update the traffic information periodically over time, every five years.

There are traffic impacts now in congested area at Elmwood Avenue and Mt. Hope Avenue and down around West Henrietta Road and the expressway. The State has been looking at improvements for many years and they are starting to come to fruition. Changes on the campus play a major part in the development of alternatives. FRA is actually writing the neighborhood chapter of the State's Design Approval report which talks about how the potential growth of the campus will impact the neighborhood and the positive benefits of the traffic and transportation improvements that are under way.

One of the biggest parts that we have been working on is a new ramp on Kendrick Road for northbound access onto I-390. We have been working diligently for the past several years with the Town of Brighton, the City, the State and the U of R and it is now part of the overall project. Starting in 2010, the State will start working on various improvements. The first will be a new on ramp at East River Road on the Brighton side where you can enter River Road and go to the east then the south. That will greatly relieve the traffic at West Henrietta Road and Mt. Hope Avenue as it connects to the expressway.

The second improvement will be the Kendrick Road ramp which will relieve traffic congestion on Mt. Hope Avenue and through the neighborhood, again a very positive impact that has gained a lot of momentum. As time goes by there will be more improvement on West Henrietta Road.

The City will begin work on the north end of Mt. Hope Avenue between Rossiter and Elmwood Avenue this year and the County will begin the Westfall Road improvement project which will begin next year. There are various other improvements such as signal timing upgrades and adding turn lanes, which will aid in relieving traffic congestion in the area.

The new PD regulations will have performance based triggers for reviewing traffic impacts or requiring traffic or parking studies on a periodic basis.

T. Greiner: I want to talk very briefly about the process to date and the ordinance itself. In terms of a formal process, this project kicked off several years ago as the master plan was being formulated and there were many meetings with Planning & Zoning Staff, the Rochester Environmental Commission has reviewed this at least twice, and of course we are now in front of the Commission and the culmination will be with action by City Council.

In terms of the process as it has gone out in a public way, the University has had meetings with the Town of Brighton, the Mt. Hope Business Association, The Landmark Society, Upper Mt. Hope Neighborhood Association, South East Area Coalition Task Force, Sector 4, and we are scheduled to meet with Sector 6. There has been a fair amount of process mostly regarding the master plan, the vision for the University.

A copy of the Draft PD Regulations and a summary are provided to the Commission in the Staff Report. This ordinance did not spring just from the University. A little over a year ago, University representatives, staff and the Manager of Zoning, who brought in other people as she deemed necessary. I would like to expand on what Richard Pifer said regarding the intent to fit into open-space areas and also fit into where the edge of the University is contiguous with residential properties. The proposed regulations specify setback requirements, height requirements, step back height concepts and so forth to make sure that the massing and design close to those residential properties is appropriate and compatible.

There are safeguards built into the PD regulations with regard to traffic patterns and the requirement that a traffic impact study be updated or replaced every five years beginning in 2015. So, the intention is that there

be a very careful review of parking needs and traffic impacts for whatever development unfolds to implement the master plan.

The Staff Report pointed out that the Draft PD regulations do not address Personal Wireless Communications Facilities, or cell towers and equipment. We have proposed, subject to review, that cellular towers be allowed in the district subject to special permit approval. What is more likely is a rooftop installation which is consistent with the current code, generally subject to the issuance of a certificate of zoning compliance, or at times will trigger special permit approval.

The Design Guidelines are provided for clarity, but in fact will not be codified with the PD regulations.

D. Watson: Does anyone on the Commission have a question for the applicant?

H. Zimmer-Meyer: I would first like to commend you for an unbelievably visionary and exciting plan for this part of the city. We are very proud of what has happened with the University of Rochester and its medical and research centers, and as you know you are the top employer in the region now and we are very excited about everything you have put on the table tonight, and all the work you have done in the past years. A couple of very small things, on page 9 under façade composition the fourth bullet there is a typo, and another question I have in the area of Elmwood Avenue my recollection of Elmwood Avenue is that it has medians and is it my understanding that they will be removed since the section in the report does not show them? Traffic seems to be fairly intense in this area and they are good for perching when you are a pedestrian.

Applicant: They will be retained, the graphic is indicative of an area where there is no median, but there is no intent of removing any of the medians.

S. Rebholz: You mentioned that the design guidelines will not be codified?

T. Greiner: They will be used as a guide and there are echoes of this in the ordinance, but it will not be codified.

H. Zimmer-Meyer: Under the sign section G(2), alternative sign plan section. I am questioning how the process is meant to work if an alternative sign plan is submitted and can be approved through minor site plan approval, how does the Project Review committee fit into that?

- T. Greiner: I believe the intent is to allow the Director of Zoning the opportunity to refer a proposed alternative sign plan to the Project Review Committee for their recommendation or guidance as they have architects and design personnel with that type of expertise.
- H. Zimmer-Meyer: Just a small point, the way it is written it appears the moment it gets referred, it is approved just by the nature of the language.
- T. Greiner: We can fix that language.
- H. Zimmer-Meyer: Can you speak more about the timing of the Kendrick Road straightening and give us a sense of when that fits into the overall plan?
- R. Pifer: The timing is not certain. It is dependent of funding and whether that funding is available today, tomorrow or five years into the future is certainly something we cannot predict. For those of you that are familiar with the University campus at the point about where the two residential towers are on your left and the smaller University apartment complex is on your right, Kendrick veers almost to the right. We propose straightening Kendrick at that point so that it would align with the intersection of Kendrick and Elmwood as it today. It would cut across the corner of the soccer fields through one of the major parking lots. It does two things for the University. On the building and land use side it provides an appropriate amount of land on either side of Kendrick for buildings we think are more in line with the scale and proposed activities that would occur in that mid-campus area, and it would also align road traffic such that they would have a view of the dome of Rush Rhees Library. Eventually one of our visions is that Kendrick Road becomes one of our major gateways assuming that the New York State Department of Transportation plans move forward as they are presently being proposed.
- D. Watson: Is there anyone that would like to speak in favor of this application?
- D. Watson: Is there anyone that would like to speak in opposition to this proposal?
- D. Hurley: I am not speaking in support or in opposition to this proposal. I am Dan Hurley, President of the Mt. Hope Neighborhood Association. We welcome the University; they have been a great partner in our neighborhood and have always kept on the forefront with their plans for growth and development. They are involved in the community and they are a wonderful neighbor.

I have not had a chance to read the staff report, but I have read the Master Plan and I like what I see. My only major concern is that proposed

development in PD in accordance with the regulations will somehow impact development in the adjacent Collegetown District that we all worked very hard on. I was wondering what the intent is of the four properties on Westmoreland that will be included in the PD?

Staff: The picture that Mr. Hurley is referring to is actually part of the U of R guidelines and not the PD regulations. Whether or not to include the University of Rochester owned properties along the west side of Mt. Hope Avenue in PD#10 was something that changed several times over the course of the project. It was determined that the properties would remain in the Collegetown District. However, several of the maps and graphics in the guidelines were not updated to reflect this final determination. The regulations for both the PD and the Collegetown district are complimentary and compatible. The properties on Westmoreland are owned by the University of Rochester. One is a parking lot for the Ronald McDonald House, one is vacant land and two are single family dwellings.

L. Reagan: I am Lisa Reagan, a resident of Linden Street, and I am not speaking either in support or opposition to this proposal. I am a member of the Cypress/Lindens Neighbors and the South Wedge Neighborhood. I don't think there has been communication with the South Wedge Planning Committee or the neighbors in the area about the impacts up toward Mc Clean Street. I appreciate moving traffic away from Elmwood and Mt. Hope Avenues to relieve congestions. If as this report says housing will be doubled up toward Mc Clean Street, I can't imagine anything more convenient than going down Mc Clean Street to access the housing. One would tend not to drive through the campus to get there. I think there needs to be more opportunity to discuss this with the neighborhood to see what the traffic impacts would be and the South Wedge Neighborhood was not mentioned as a focus of communication. Also, if the housing is going to be expanded next to Mt. Hope Cemetery I would hope there is an opportunity for addressing the site lines from the historic cemetery and the preservation district that runs along that area. The properties that are being asked to be included in the district do those include the ones near Mc Clean Street?

Staff: there is no development proposed near Mc Clean Street and the additional properties that are recommended for inclusion in the PD are not near Mc Clean Street. These properties are the athletic center.

C. Woodward: Hello, I am Carlene Woodward, Chair of NBN Sector 6 and I am on the Board of the Highland Park Neighborhood. We are looking forward to a presentation that has been scheduled for the second Monday of March where several of these items I'm sure will be clarified. In our organization we

not only have Upper Mt. Hope, we have Highland Park, Azalea, Lilac, and South Wedge and we are all extremely invested in the U of R and actually want them to be successful.

I noticed in the report that there is an assumed 11,600 parking spaces plus 2,000. In this plan there appears to be great relocation and building on existing parking lots as well as housing being mentioned. One of the biggest problems we have had in this general area and that the University has itself, is parking. So, I would like some clarification on that. The other concern I have is why they have the need to rezone R-1 properties into the PD#10. I wish they could be more clearly identified so we can see if they are contiguous to a totally residential area and how that fits in.

The key factors that I see in the plan are the new entrances onto the expressway off Kendrick which are essential to solving some of the critical problems we have on Mt. Hope, Elmwood and all along that area that we have with traffic congestion.

M. Warren: Good evening. My name is Melanie Warren, and I also will not be speaking in opposition of this proposal. I feel very fortunate to have been working with the U of R for the past few years especially in the wake of President Seligman's arrival. I am president of the Mt. Hope Business Association so we have been at the table with the Mt. Hope Task Force, U of R and many of the businesses. I would like to mention there are over 65 businesses on Mt. Hope Avenue from Elmwood Avenue to Westfall Road. Phase one of development in the area will be Collegetown and as long as development on the east side of Mt. Hope compliments the west side I will be very appreciative and so will the businesses. As the U of R grows, so do our businesses grow and that is what I want to keep in tack, our business growth. We have a lot of small businesses that cater to the community and the reason we are supporting Collegetown is to make it more pedestrian friendly. I do have a concern about the Kendrick Road realignment and its impact on the park. I would like to see more of west Brighton coming to meetings because what west Brighton does reflects what the City of Rochester does. We need to work together as a team.

D. Watson: The applicant has an opportunity to rebut.

T. Greiner: I would like to say on behalf of the University that we are more than happen to address any of the neighbors' concerns and comments. This proposal is subject to City Council action and I am sure there will be dialogue between now and then which is encouraged.

HEARING ENDS

Ordinance No.

Amending Chapter 120 Of The Municipal Code,
Zoning Code, By Adding The Development
Concept Plan For The University Of Rochester
City Campus As Planned Development District #10

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding the Development Concept Plan for the University of Rochester City Campus to read in its entirety as follows and by designating the University of Rochester City Campus as Planned Development District #10—University of Rochester City Campus:

Planned Development District #10
University of Rochester City Campus

- A. Purpose. The intent of the Planned Development District #10 (PD #10) is to provide a flexible framework for the orderly future development of the University of Rochester's River Campus and its Medical Center/Mid Campus. This framework has been set forth in the University's 2008 Campus Master Plan, completed in 2009, which provides guidance for the development of the University's lands and facilities covering a period of at least twenty years.

As informed by the Campus Master Plan and in accordance with the guidelines for PD #10, development in PD #10 will reflect the spirit of a vibrant University community by creatively combining the University's traditional architectural heritage with innovative designs for new buildings and other site improvements. Such development will also reflect the University's commitment to enhance the environmental quality and sustainability of the University. This development will additionally provide for orderly transitions among land uses within the campus, and will ensure integration of the campus with the neighborhood.

New development will expand diversity by including a vibrant mix of uses, buildings of varying heights and sizes, and outdoor rooms for social gathering and recreation. Growth plans include extending the open space qualities of the River Campus to the Medical Center/Mid Campus, and highlighting Kendrick Road as a major boulevard style gateway with significant street trees and ornamental landscaping. PD #10 is intended to be a multi-modal district, accommodating vehicular, pedestrian, transit and bicycle traffic.

The district shall be comprised of two areas:

1. Sub Area 1 - River Campus. The intent of Sub Area 1 is to facilitate and guide development within this campus that builds on the existing formal geometry, materials palette, and scale of the River Campus and extends the quality and identity of the University from its core to its edges. Buildings in Sub Area 1 shall be subordinate in height to Rush Rhees Library, one of the major symbols of the University.
 2. Sub Area 2 - Medical Center/Mid Campus. The intent of Sub Area 2 is to facilitate and guide development within this area in order to create a central inpatient core with ancillary facilities in flanking locations and to support planning and technical requirements for state of the art medical care, research, and teaching. Future development in this area will enhance the healthcare experience through the design of the public realm, integration of daylight throughout the facilities, and interconnected gardens.
- B. Permitted uses. Permitted uses in PD #10 will relate primarily to healthcare, educational, research, academic and other university activities, residential uses and accessory uses thereto, including retail services and other small-scale commercial enterprises. Such uses will generally occur in, but not be limited to, the areas shown on Figure 2.

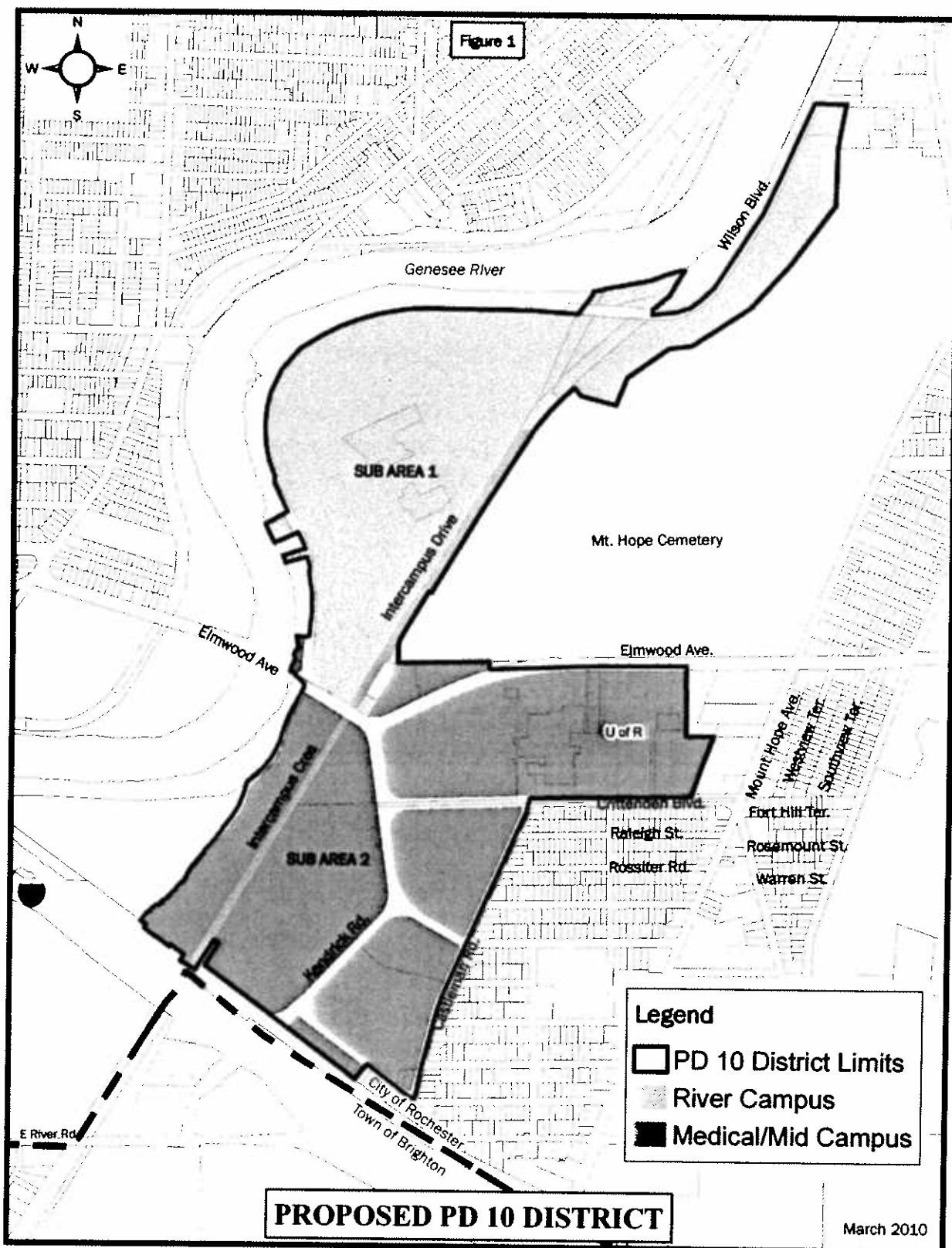
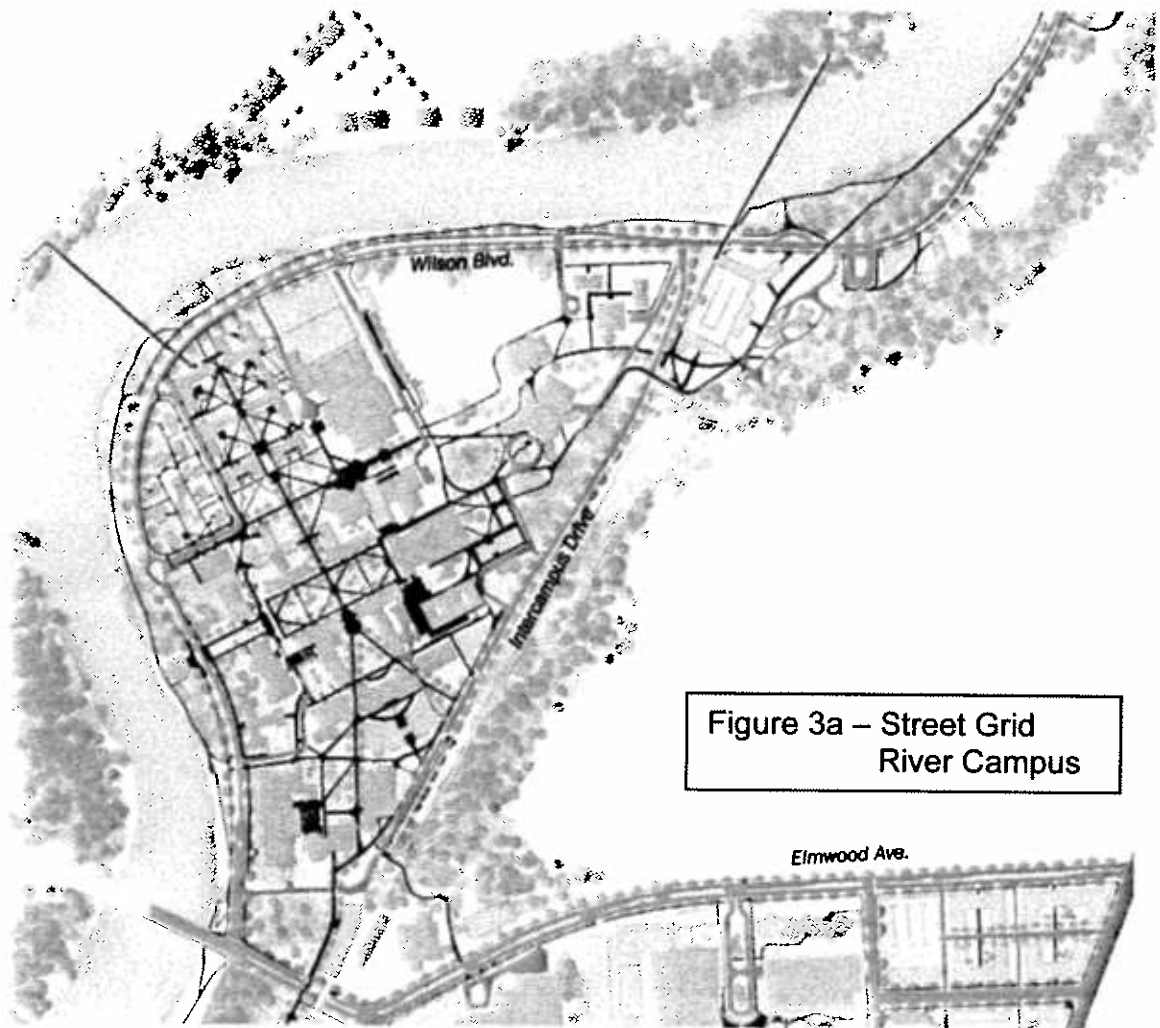


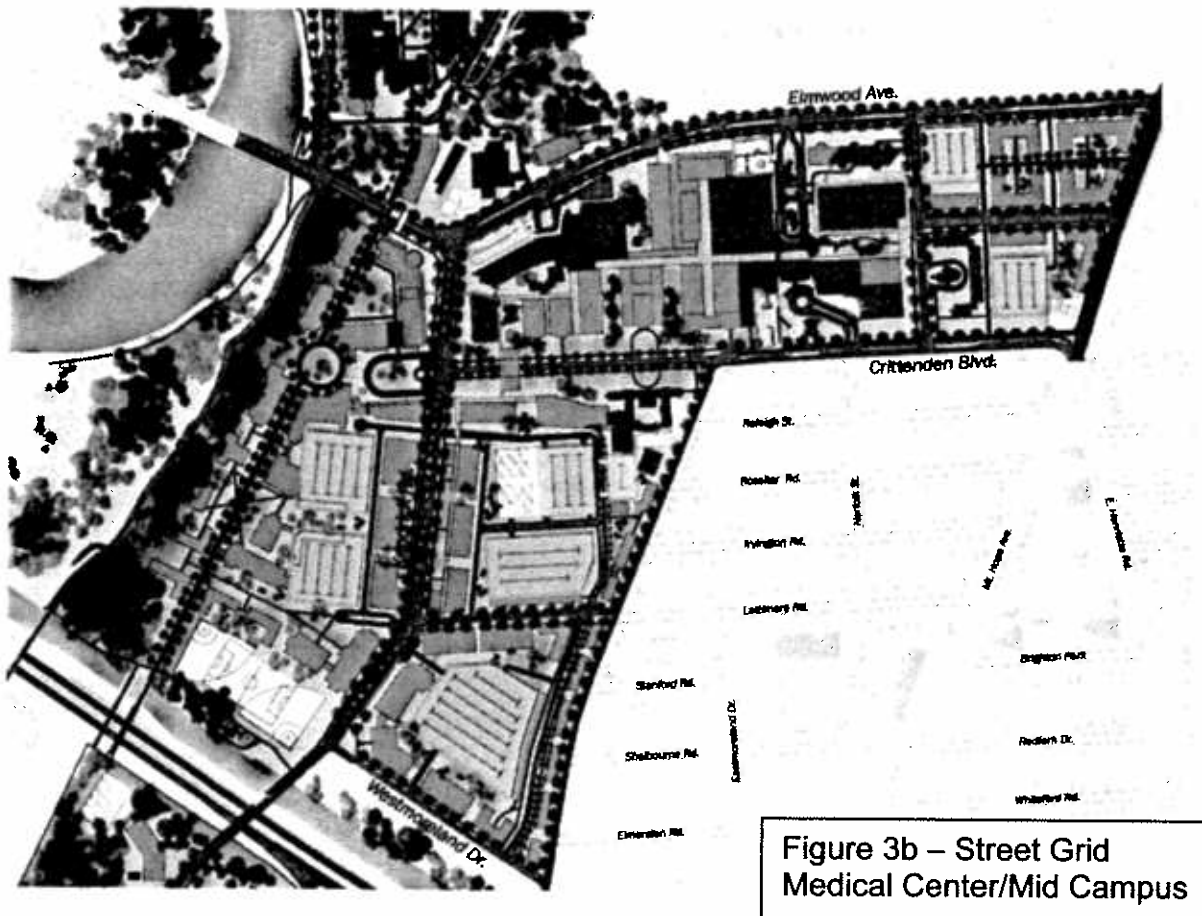


Figure 2 – Land Uses

C. Street grid.

1. Primary Roads include Wilson Boulevard, Elmwood Avenue, Crittenden Boulevard and Kendrick Road.
2. Secondary Streets include Castleman Road, Westmoreland Road, Lattimore Road, East Drive and Intercampus Drive.
3. Other Streets include new streets.





D. Access and off-street parking.

1. Parking requirement: There are no minimum parking requirements within the PD #10 District.
2. Minimizing access points on the primary streets: Each site shall be permitted appropriate ingress/egress to and from the site. Existing access drives and shared access from adjacent sites shall be analyzed prior to submitting requests for new access points.
3. Drop-offs: Where substantiation is provided, front yard drop-offs will be allowed near major building entrances.
4. Parking placement: Off-street parking is generally not permitted between buildings and the street or in defined open spaces, with the exception of approved drop-off areas. On Crittenden Boulevard, front-yard parking will be permitted in accordance with the Crittenden Boulevard Enhancement Plan which will provide for interconnected parking lots and minimal access points.

5. Loading and service yards: Loading docks and service yards should generally be placed on secondary or other streets, and not on primary streets; they should be screened as appropriate from view from public streets, and should not be visible from public building entries.
 6. Parking garage access: Access to garages should be from secondary roads.
- E. Open space. The intent of the Campus Master Plan is to extend the open space qualities of the River Campus to the Medical Center/Mid Campus, where appropriate. The concept plan reflected in Figure 4 will guide the location of Open Space areas.

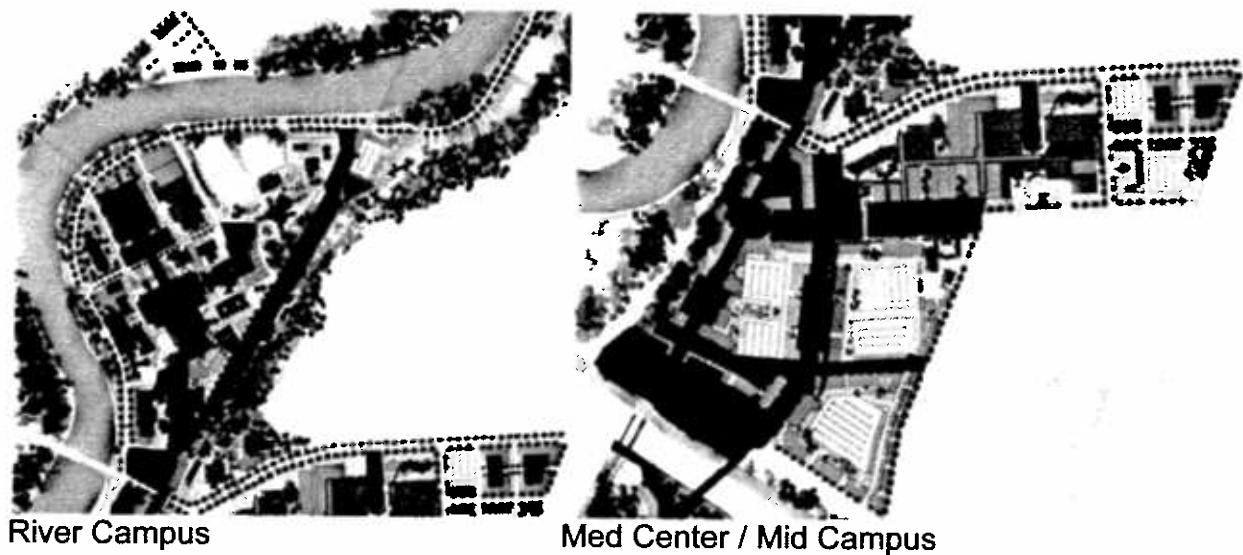
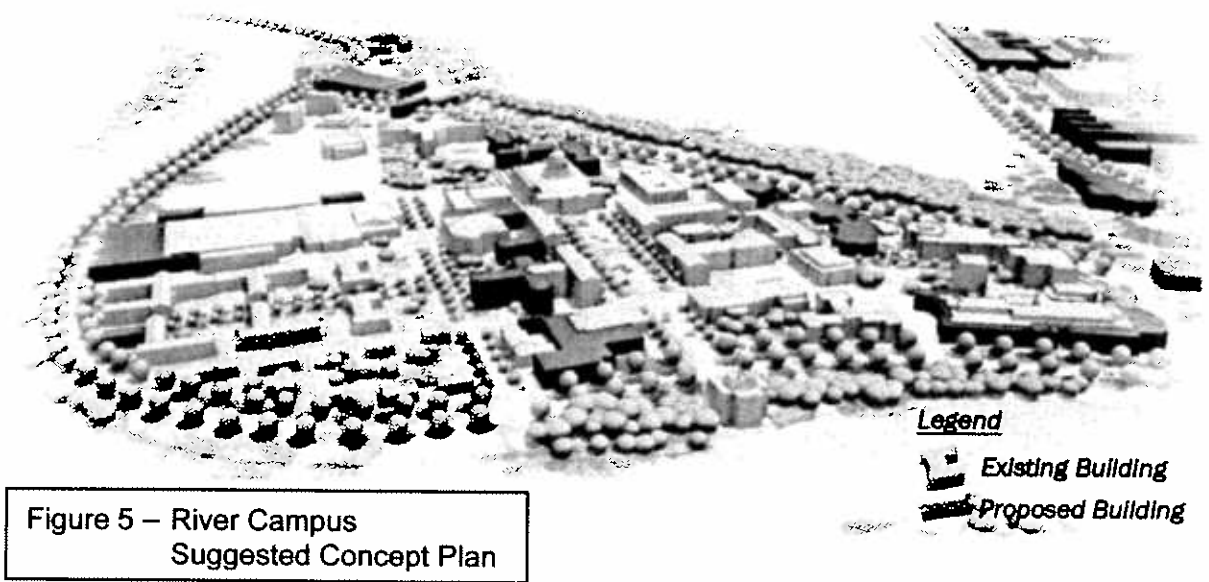


Figure 4 – Open Space Plan

F. Building requirements.

1. Sub Area 1 - River Campus. The suggested concept plan reflected in Figure 5 will guide the placement of new buildings on the River Campus.



a) Setbacks.

Setbacks	
Wilson Boulevard	20'
Inter-campus Drive	N/A
River	Subject to site plan review

b) Architectural character.

Applications for new construction shall be guided by the following principles from the Design Guidelines of the Campus Master Plan, which build on the concepts of the original 1930 master plan for the River Campus:

1) Building placement.

- (a) The River Campus is composed of a series of buildings and deliberately designed spaces, characterized by alignment along a series of axes and arranged in an orderly way so as to create a series of well defined, relatively enclosed outdoor spaces, commonly referred to as 'quads.' New construction should respect and reinforce this pattern of development.

- (b) Buildings should remain parallel and perpendicular to adjoining streets as much as possible.
- (c) The development of recognizable outdoor quads will typically include a clear hierarchy of a hero building framed by soldier buildings.
- (d) Buildings should generally retain a minimum of 60% of their frontage along the setback line but allowances will be made, where appropriate, for additional sidewalk depth for pedestrian amenities or architectural features that enhance the pedestrian scale and experience of the building façade.

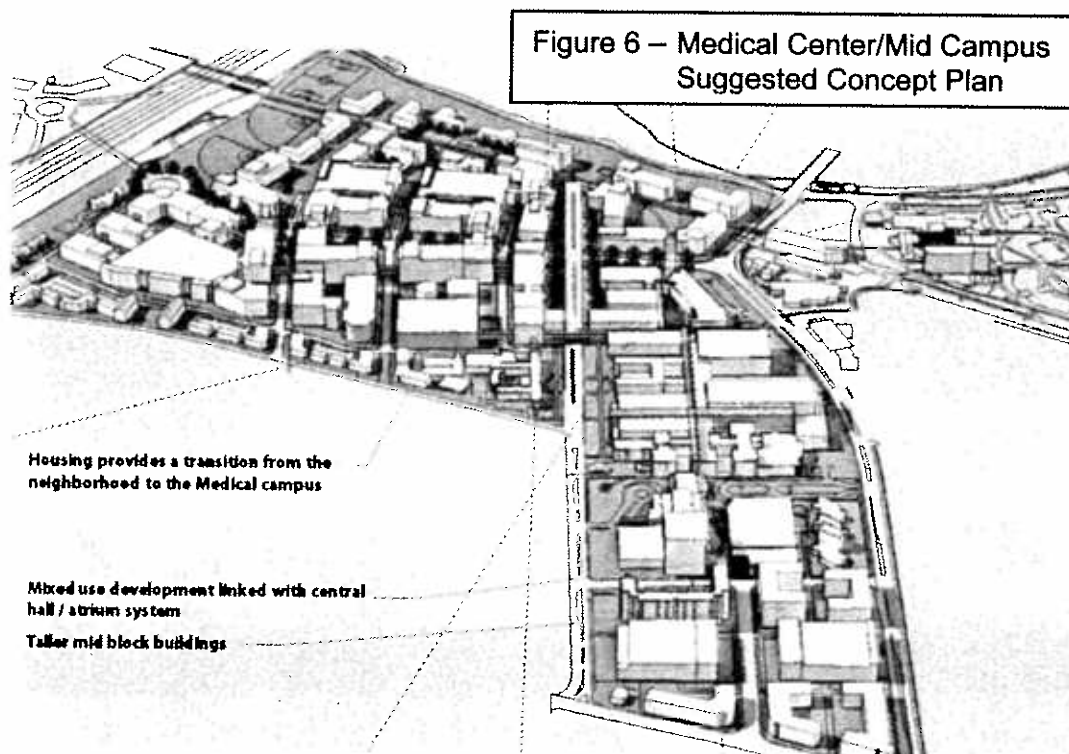
2) Façade composition.

- (a) The design of the façade is a synthesis of three basic divisions: the tripartite divisions of base, middle and top.
- (b) Facades should be organized through the use of regulating lines.
- (c) Facades should contain a repetition of similarly proportioned elements of structure, bay and window, solid and void.
- (d) Materials, massing and fenestration should be consistent with existing campus construction. Repetition of elements should be moderated in order to avoid monotony, and to weave elements into multiple rhythms that enhance visual interest. Porticos, gables, cornices, columns and dormers should be used where appropriate to define the character of buildings and grounds by regulating scale, massing and façade rhythm.
- (e) Window pattern and other fenestration should have a mix of pattern of verticals and horizontals to create a tapestry of pattern across the façade.
- (f) The fenestration should be modulated across the façade with vertical bays, glassy corners, and a balance of solid to voids, as appropriate.
- (g) Entrances should be prominent with a high level of transparency, arcades and porticoes as appropriate.
- (h) Brick colors should tie into existing buildings as appropriate.
- (i) Wrapping parking structures along the base/human scale elevation with other uses, such as housing or office space is

encouraged. If a parking structure is visible from Wilson Boulevard, its façade should be designed to blend in as much as reasonably possible with the surrounding buildings, through the appropriate use of compatible materials, fenestration pattern, and façade composition.

- 3) Massing and screening.
 - (a) Massing should break down buildings into smaller parts, through the use of: base (human scale, transparency, activity at the ground levels), middle (how the building rises from its base) and top (how the building meets the sky); tower elements; vertical divisions or bays (central, intermediate and end); and a vertical datum of 45-60 feet above grade where the building steps back to minimize its perceived height.
 - (b) The base should reflect the human scale of pedestrians.
 - (c) Rooftop mechanical equipment should be screened from view using a material compatible with the material palette of the rest of the building.
- 4) Height.
 - (a) New buildings should be subordinate to the Rush Rhees Library Dome.
 - (b) Along primary and secondary street frontages, buildings taller than 45-60 feet should step back from the street frontage to minimize the building's perceived height and maintain a human scale along the street.
 - (c) The visual impact of upper stories should be reduced through the use of material, color and pattern.
- 5) Materials.
 - (a) The character of the buildings should respond to and complement the palette of materials and colors present on the University of Rochester campus.
 - (b) Discouraged materials and practices.
 - (i) Cast-in-place concrete, metal panel, "utility" brick and glass block are generally discouraged as materials for exterior walls.

- (ii) Unbroken or modulated bands of glass, brick, or metal are discouraged.
2. Sub Area 2 - Medical Center/Mid Campus. The suggested concept plan reflected in Figure 6 will guide the placement of new buildings on the Medical Center/Mid Campus.



- a) Build to lines and height.

Build to Lines and Height		
	Build to Lines	Height
Elmwood Avenue	0'* north	TBD north
	20' south	N/A south
Crittenden Boulevard	15' for parking/site plan review for new buildings	Site Plan Review
Kendrick Road	TBD through site plan review	Maximum permitted by FAA
Castleman Road	15'	3 stories, then stepped
Westmoreland Road	25'	3 stories, then stepped
Canal	20'	Site Plan Review

* minimum

- b) Architectural character. Applications for new construction shall be guided by the following principles in response to the palette of materials, patterns and colors present on the University of Rochester Medical Center campus.

1) Building placement.

- (a) Buildings should remain parallel and perpendicular to adjoining streets as much as possible.
- (b) Buildings should generally retain a minimum of 60% of their frontage along the setback line but allowances will be made, where appropriate, for additional sidewalk depth for pedestrian amenities or architectural features that enhance the pedestrian scale and experience of the building façade.
- (c) Building placement should provide connectivity and a strong sense of place and should create organized exterior spaces.
- (d) Buildings should be placed to maintain east/west vision corridors along Lattimore Road through to Intercampus Drive.

2) Façade composition.

- (a) The design of the façade is a synthesis of three basic divisions: the tripartite divisions of base, middle and top.
- (b) Facades should be organized through the use of regulating lines.
- (c) Facades should contain a repetition of similarly proportioned elements of structure, bay and window, solid and void.
- (d) Repetition of elements should be moderated in order to avoid monotony, and to weave elements into multiple rhythms that enhance visual interest. Porticos, gables, cornices, columns and dormers should be used where appropriate to define the character of buildings and grounds by regulating scale, massing and façade rhythm.
- (e) Buildings such as the Cancer Center, Arthur Kornberg Medical Research Building and the entrance to the School of Medicine and Dentistry are examples to be emulated on the campus. As shown by these buildings:
 - (i) Large buildings' scale can be modulated by breaking up the mass into smaller segments.

- (ii) Window pattern and other fenestration should mix patterns of verticals and horizontals to create a tapestry of pattern across the façade.
- (iii) The fenestration should be modulated across the façade with vertical bays, glassy corners, and a balance of solid to voids, as appropriate.
- (iv) Entrances should be prominent with a high level of transparency, arcades and porticoes as appropriate.
- (v) Brick colors should be blended with red, brown, and burgundy brick within the same building to tie into other buildings on campus.
- (vi) Roofs should be flat or shaped as appropriate to complement surrounding architectural styles.
- (vii) Laboratory building designs should locate public spaces, offices, and circulation on the perimeter of the floor plan to animate the main facade with human traffic, and blank facades should be minimized.
- (viii) Wrapping parking structures along the base/human scale elevation with other uses, such as housing or office space is encouraged. If a parking structure is visible from Elmwood Avenue, Crittenden Boulevard, Castleman Road or the residential section of Westmoreland Drive, its façade should be designed to blend in as much as reasonably possible with the surrounding buildings, through the appropriate use of compatible materials, fenestration pattern, and façade composition.

3) Massing and screening.

- (a) Building massing should fundamentally be driven by program requirements or relevant Campus Master Plan requirements.
- (b) Buildings should be sited to form outdoor spaces and/or define a street edge.
- (c) Building massing should step up from a four to five story base along public streets which can screen upper floors from overpowering the street scale.
- (d) Massing should break down buildings into smaller parts,

through the use of: base (human scale, transparency, activity at the ground levels), middle (how the building rises from its base) and top (how the building meets the sky); tower elements; vertical divisions or bays (central, intermediate and end); and a vertical datum of 45' to 60' above grade where the building steps back to minimize its perceived height from the street.

- (e) The base should reflect the human scale of pedestrians.
 - (f) Building height and massing and general use should be similar and compatible across streets, i.e. with similar numbers of floors, setbacks, landscaping, and scale.
 - (g) Towers or other significant architectural treatments should be located at the corner of Kendrick Road and Lattimore Road as well as Kendrick Road and Westmoreland Drive to serve as an anchor to the development and a gateway to the University.
 - (h) Mechanical penthouses should be either stepped back from the building primary façade or should devise a screen that is an extension of the primary façade architecture of sufficient height to conceal all roof top mounted mechanical equipment.
- 4) Height.
- (a) Maximum building height in the core of the Medical Center/Mid Campus is as allowed by the Federal Aviation Administration.
 - (b) The visual impact of upper stories should be reduced through the use of materials, color and pattern.
- 5) Materials. The character of the buildings should respond to and complement the palette of materials and colors present on the Medical Center/Mid Campus.

Discouraged materials and practices.

- (a) Cast-in-place concrete, metal panel, "utility" brick and glass block are generally discouraged as materials for exterior walls.
- (b) Unbroken or modulated bands of glass, brick, or metal are discouraged.

G. Signage.

1. Signs in PD #10 shall be subject to the following requirements:
 - a) Permitted sign types.
 - 1) Attached signs.
 - 2) Detached signs.
 - 3) Other signs, including but not limited to address, informational, directional, memorial or historic plaques, safety, permanent bulletin board, parking, holiday decorations, and decorative flags.
 - 4) Special purpose signs may be approved through minor site plan approval (i.e. memorial signs).
 - b) Prohibited sign types: Advertising signs.
 - c) Number of signs: One (1) attached or detached sign per operation per street frontage.
 - d) Maximum surface area: Twenty-four (24) square feet
 - e) Maximum height.
 - 1) Attached signs: N/A
 - 2) Detached signs: Six (6) feet
 - f) Setback: N/A
 - g) Illumination: External and/or internal illumination permitted.
2. Alternative sign program. An alternative sign program containing provisions different from the above may be approved by the Director of Planning and Zoning through minor site plan review, subject to review and recommendation by the Project Review Committee. An alternative sign program should contain imaginative, effective and visually compatible provisions that respond to unique site-specific conditions and/or uses and should serve as the sign regulations for the overall campus. Such plan should reinforce vehicular and pedestrian way finding, facilitate enhancements which will contribute to the campus' unique sense of place, and incorporate controls which deter sign clutter (including excessive numbers and sizes of signs and inappropriate sign types, materials, and lighting) which could negatively impact the adjoining neighborhood and/or overall campus. In no case shall an alternative sign program permit advertising signs.
3. Waivers. The Director of Planning and Zoning shall be authorized to waive any of the sign requirements set forth above in sections G(1)(a) and G(1)(c)-(g), but not G(1)(b), through minor site plan review.

- H. Personal wireless telecommunications facilities. Personal wireless telecommunications facilities shall be permitted in PD #10 pursuant to § 120-143 of the Zoning Code and in accordance with the following:
1. Antennas on buildings. Antennas are permitted on all buildings, provided that the height above grade does not exceed 100 feet and provided that antennas and related support structures that extend more than 20 feet above a roof are set back at least 100 feet from the nearest residential, open space or preservation district or landmark.
 2. Antennas on existing towers. Antennas on existing telecommunications towers or other structures are permitted unless otherwise restricted pursuant to the terms of a prior special permit.
 3. Telecommunications towers. New telecommunications towers shall not be permitted.
- I. Review and approval.
1. All projects shall be reviewed in accordance with the requirements for a Certificate of Zoning Compliance as set forth in § 120-189 of the Zoning Code. In addition to the information required pursuant to § 120-189E(1) of the Zoning Code, each application for development in PD #10 shall be accompanied by traffic and parking management documentation as described in sections I(4) and (5) below.
 2. Notwithstanding any provisions contained in the Zoning Code to the contrary, incremental development in PD #10 requiring major or minor site plan approval pursuant to § 120-191 of the Zoning Code shall be limited to the below listed activities. All other development shall be subject to the application requirements of § 120-189 and any special requirements of PD #10.
 - a) New construction with a frontage on Elmwood Avenue, Castleman Drive, Westmoreland Drive, Joseph C. Wilson Boulevard, the Genesee River and/or the Erie Canal;
 - b) New front yard drop-offs;
 - c) Proposed construction that does not comply with the design and setback requirements of PD #10;
 - d) New loading or service yards visible from primary streets;
 - e) New or expanded surface parking lots and parking garages;
 - f) Projects determined to pose potential adverse traffic impacts as determined by the Director of Planning and Zoning or his designee upon review of the traffic management information provided;

INTRODUCTORY NO. 141

Ordinance No.

Changing The Zoning Classification Of
IPD #5—University Of Rochester And
Medical Center; 555 And 665 Joseph C.
Wilson Boulevard And 245 Elmwood Avenue
From O-S Open Space; And 216, 224, 265 And
275 Westmoreland Drive From R-1 Low Density
Residential, To PD #10—University Of Rochester
City Campus

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting IPD #5—University of Rochester and Medical Center; 555 and 665 Joseph C. Wilson Boulevard and 245 Elmwood Avenue from O-S Open Space; and 216, 224, 265 and 275 Westmoreland Drive from R-1 Low Density Residential, to PD #10—University of Rochester City Campus:

Beginning at a point marking the intersection of the centerline of McLean Street and the centerline of Joseph C. Wilson Boulevard and running

Thence 1) from the point of beginning easterly along the centerline of said McLean Street the northwest corner of land of Mt. Hope Cemetery.

Thence 2) in a southerly direction along land of said Mt. Hope Cemetery 3133 feet more or less, to an angle point in said Cemetery Land.

Thence 3) westerly and northwesterly along said Mt. Hope Cemetery land a distance of 360 feet more or less, to the east line of land of the University of Rochester.

Thence 4) southerly along the east line of said U of R land 140 feet more or less to a point.

Thence 5) continuing southerly along the west line of Mt. Hope Cemetery also being the easterly line of land of the Lehigh Valley Railroad 1015 more or less to a point.

Thence 6) westerly along said dividing line between the R.R. to the west and the Cemetery to the east, 11.59 feet, more or less to a point.

Thence 7) southerly along said dividing line of the R.R. and the Cemetery 762.14 feet, more or less to a point.

Thence 8) westerly along said dividing line of R.R. and Cemetery, 20 feet, more or less to a point.

Thence 9) southerly along said R.R. and Cemetery dividing line and also the dividing line between the Cemetery to the east and land of the U of R on the west, 606 feet more or less to a point in the centerline of Old Elmwood Avenue.

Thence 10) easterly along the centerline of Old Elmwood Avenue, 691 feet, more or less to the northeast corner of the University of Rochester (tax map parcel 135.60-01-03) said corner also being the northwest corner of the City of Rochester (tax map parcel 135.60-01-07)

Thence 11) southerly along said line also being the dividing line between the University of Rochester (tax map parcel 135.60-01-03) to the west and the City of Rochester (tax map parcel 135.60-01-07) on the east 109 feet, more or less to a point in the centerline of Elmwood Avenue

Thence 12) easterly along said centerline 1495 feet more or less to a point marking the intersection of the dividing line between the University of Rochester (tax map parcel 136.53-01-01) to the west and the University of Rochester (tax map parcel 136.53-01-02) to the east as it extends northerly to the said centerline

Thence 13) southerly along said dividing line and continuing southerly 554 feet more or less to a northeasterly corner of Crittenden Boulevard Housing Company (tax map parcel 136.53-01-08) also being a southwest corner of University of Rochester (tax map parcel 136.53-01-02)

Thence 14) easterly along said northerly bounds of said lands of Crittenden Boulevard Housing Company (tax map parcel 136.53-01-08) 209 feet, more or less to the most northeasterly corner thereof said corner also being the northwesterly corner of lands of University of Rochester (tax map parcel 136.53-01-06)

Thence 15) southwesterly along the dividing line between Crittenden Boulevard Housing Company (tax map parcel 136.53-01-08) to the west and the University of Rochester (tax map parcel 136.53-01-06) to the east a distance of 520 feet, more or less to a point in the centerline of Crittenden Boulevard (90' right of way).

Thence 16) westerly along the centerline of Crittenden Boulevard a distance of 1215 feet, more or less to the intersection of said centerline and the centerline of Castleman Road as it extends northerly.

Thence 17) southwesterly along the centerline of Castleman Road a distance of 2515 feet more or less to the intersection of said centerline and the centerline of Westmoreland Drive as it extends easterly.

Thence 18) northwesterly along the centerline of Westmoreland Drive 440 feet, more or less to the intersection of the easterly line of lot 120 of the University Heights

Subdivision as shown on a map filed in the Monroe County Clerk's Office in Liber 59 of Maps at page 18, to the south would extend northerly to the said centerline.

Thence 19) southwesterly along said line of lot 120, 150 feet, more or less to a point in the northerly line of the Barge Canal.

Thence 20) northwesterly along the northerly line of the said Canal 1442 feet, more or less to the southwest corner of University of Rochester (tax map parcel 135.75-01-01) to the east.

Thence 21) northeasterly along said westerly line of said University of Rochester (tax map parcel 135.75-01-01), 201 feet more or less to a point

Thence 22) northwesterly 40 feet to a point along the along the easterly line of Lehigh Valley R.R. (tax map parcel 135.52-01-01)

Thence 23) southwesterly along said Lehigh Valley R.R. (tax map parcel 135.52-01-01), 271.5 feet more or less to a point along the northerly line of the Barge Canal.

Thence 24) northwesterly along said Canal Land 135 feet, more or less to a point.

Thence 25) northeasterly along said Canal Land 60 feet, more or less to a point.

Thence 26) westerly along said Canal Land 125 feet, more or less to a point.

Thence 27) southwesterly along said Canal Land 20 feet more or less to a point.

Thence 28) northwesterly along said Canal Land 250 feet more or less to a point.

Thence 29) northeasterly along said Canal Land 30 feet more or less to a point.

Thence 30) northwesterly along the northerly line of said Canal Lands 29.17 feet more or less to a point in the boundary line between the University of Rochester (tax map parcel 135.67-01-2.1) on the east and the City of Rochester (tax map parcel 135.15-01-01) on the west.

Thence 31) northerly along a curve to the right on said boundary line having a radius of 522.27 feet, a Delta Angle of $15^{\circ} 39' 08''$ and an Arc Length of 142.68 feet more or less to a point

Thence 32) N $50^{\circ} 28' 53''$ E, a distance of 102.92 feet more or less along said boundary line to a point of curvature;

Thence 33) Along a curve to the left and having a radius of 615.86 feet, a Delta Angle of $24^{\circ} 31' 16''$ and an Arc Length of 263.57 feet more or less along said boundary line to a point of reverse curvature;

Thence 34) Along a curve to the right and having a radius of 772.38 feet, a Delta Angle of 13° 35' 39" and an Arc Length of 183.26 feet more or less along said boundary line to a point of reverse curvature;

Thence 35) Along a curve to the left and having a radius of 2435.35 feet, a Delta Angle of 10° 08' 44" and an Arc Length of 431.24 feet more or less along said boundary line to a point of compound curvature;

Thence 36) Along a curve to the left and having a radius of 586.39 feet, a Delta Angle of 17° 42' 02" and an Arc Length of 181.16 feet more or less along said boundary to a point of reverse curvature;

Thence 37) Along a curve to the right and having a radius of 157.03 feet, a Delta Angle of 36° 31' 28" and an Arc Length of 100.10 feet more or less along said boundary to a point of reverse curvature;

Thence 38) Along a curve to the left and having a radius of 710.77 feet, a Delta Angle of 37° 07' 57" and an Arc Length of 460.64 feet more or less along said boundary to a point of reverse curvature;

Thence 39) Along a curve to the right and having a radius of 588.23 feet, a Delta Angle of 17° 20' 52" and an Arc Length of 178.10 feet more or less along said boundary to a point of tangency curvature;

Thence 40) N 28° 26' 50" E, along said boundary line, a distance of 181 feet more or less along said boundary to a point in the centerline of Elmwood Avenue;

Thence 41) westerly along the centerline of Elmwood Avenue 185 feet more or less to a point on the easterly side of the Genesee River.

Thence 42) northerly along said river as it winds and turns to a point where the river bank is met by the centerline of the aforementioned McLean Street extended westerly.

Thence 43) easterly along said line 95 feet, more or less to the point and place of beginning.

Excepting there from two parcels of land situated along the river's edge bounded and described as follows:

City of Rochester (tax map parcel 121.78-01-30.4) and State of New York (tax map parcel 121.70-01-38)

Excepting from aforesaid previously described parent parcel all "Open Space" lands and further described as follows

Bounded by the following four courses:

South, by the centerline of Elmwood Avenue

West, by the easterly water's edge of the Genesee River

North, by the centerline of McLean Street as it extends west to the easterly water's edge of the Genesee River

East, by the easterly bounds of Bausch and Lomb Park

Section 2. This ordinance shall take effect immediately.



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

NEIGHBORHOOD & BUSINESS DEVELOPMENT

INTRODUCTORY NO.

142, 143, 144, 145, 146, 147, 148



Robert J. Duffy
Mayor

24

March 25, 2010

TO THE COUNCIL

Ladies and Gentlemen

Re: Planned Development District #12 - Eastman
Business Park and Franchise Agreement

Transmitted herewith for your approval is legislation relating to the creation of a Planned Development District - PD#12-Eastman Business Park, and authorization of a franchise agreement between the City of Rochester and Eastman Kodak Company. The establishment of this new district requires the following legislation:

1. Amending the Zoning Map by rezoning the following 47 properties as follows:
 - a. To PD#12-Eastman Business Park:
 - i. From T-P Transitional Parking District: 135, 145, 165, 171, 177 and 181-189 West Ridge Road; 136 Desmond Street; 181 Primrose Street; 160 and 224 Pullman Avenue; 1640, 1650, 1700, 1720, 1754, 1764, 1768-1776, 1780, 1850, 1888, and 1991 Lake Avenue; 435 Maplewood Drive; 220 and 240 Eastman Avenue; 10 and 17 Woodside Street; and 50, 59 and 70 Goodwill Street
 - ii. From M-1 Industrial: 200, 246, and 375 West Ridge Road; and 1645, 1964, 1981, and 2038 Lake Avenue
 - iii. From C-3 Regional Destination: 415-425 West Ridge Road and 1760 Dewey Avenue
 - b. From T-P Transitional Parking District:
 - i. To C-2 Community Center District: 119 and 131 West Ridge Road; and 32 Pullman Avenue
 - ii. To C-3 Regional Destination District: 9 S. Goodwill Street and 9 Woodside Street
 - iii. To O-S Open Space District: 480, 500, 540, and 570 Maplewood Drive
2. Amending the Zoning Text by adding the PD#12 Eastman Business Park development concept regulations to Chapter 120, the Zoning Code;
3. Authorizing a Water Franchise Agreement with Eastman Kodak Company to allow for the sale of water within the Eastman Business Park and for collection and distribution of franchise fees; and
4. Authorizing an amendatory agreement with Monroe County Water Authority allowing the sale of water to Eastman Kodak Company in the City of Rochester.

Eastman Kodak Company has operated Kodak Park for over a century. Approximately two years ago, Kodak Park was renamed Eastman Business Park (EBP) after the completion of their footprint reduction program. EBP is located within the City of Rochester and the Town of Greece bound by Interstate 390, Ridgeway Avenue, Latona Road, Merrill Street, and the Genesee River along W. Ridge Road. EBP spans an area of 1,220 acres, complete with two on-site railroads, a power plant, fire department, 30 miles of road, water and wastewater treatment plants, security, and a facility for heating and cooling needs.

EBP is divided into five separate areas; the area known as Eastman Business Park-East (EBP-E), approximately 177 acres, is the subject of this rezoning request. The western portion of EBP between the city line and Dewey Avenue is located in the M-1 Industrial District, which will continue to serve large-scale manufacturing, warehousing, distribution, and storage operations with large volumes of heavy truck activity.

EBP-E is generally bounded by West Ridge Road, Dewey Avenue, Merrill Street, Maplewood Drive and Lake Avenue, and is currently zoned M-1 Industrial and T-P Transitional Parking. Nearly half of the original buildings have been demolished, creating approximately 90 acres of vacant land available for development. Working with the City, Eastman Kodak has developed a master plan and marketing strategy to facilitate the sale or lease of their property (remaining buildings, vacant land, and infrastructure) for private development and/or redevelopment. The creation of PD#12 is consistent with that plan.

The intent of the PD#12 is to promote employment and economic development opportunities that will benefit from the existing site infrastructure. The district regulations allow for adaptive reuse of existing buildings and new construction on vacant land for a mix of commercial, retail, residential and industrial uses. The planned development regulations will ensure sufficient flexibility for redevelopment of the area as well as protections to adjacent residential and open-space areas. PD#12 will be divided into three subareas.

Sub-area 1, approximately 83 acres, is bound by W. Ridge Road, former Woodside Street, former Eastman Avenue and Lake Avenue. This area will provide adaptive reuse opportunities for existing buildings and sites for new construction for industrial uses.

Sub-area 2, approximately 80 acres, is bound by Dewey Avenue, former Woodside Street, former Eastman Avenue, Merrill Street, the Genesee River, Lake Avenue and Maplewood Drive. These areas were used as ancillary parking lots serving the former Kodak Park East and will now provide new construction opportunities for industrial and limited commercial uses.

Sub-area 3 includes two separate areas with a total land area of approximately 15 acres located on the south side of W. Ridge Road. These areas provide for commercial and mixed-use opportunities.

Additional map changes as referenced above need to occur along the periphery of PD#12 as follows: O-S open-space along Maplewood Drive to protect an adjacent open-space district and views of the Genesee River; C-2 Community Center district near Minder Street and W. Ridge Road to maintain a small city block in a single zoning district; and C-3 Regional Destination district near Dewey Avenue and W. Ridge Road to retain lands owned by the City in an existing special assessment parking district that serves the businesses along W. Ridge Road, also located in the C-3 district.

Water Franchise. The City intends to grant a franchise agreement to Eastman Kodak to allow for the sale of water within EBP. Kodak is authorized to treat and provide water to its facilities for industrial use, fire suppression systems, and heating and cooling systems; however, sale or distribution of water to a third party requires a franchise from the City. The agreement will allow Kodak to sell water within EBP subject to compliance with County and State Health requirements. Kodak's ability to provide low cost water is viewed as an important asset to attracting industrial users to EBP. The water currently provided by the City to existing structures in EBP will remain unchanged. Kodak will compensate the City for water sold under the franchise agreement. In addition, Kodak intends to sell the Kodak Water Supply System to the Monroe County Water Authority in 2010. The 1978 agreement between the City and the Water Authority will require an amendment to allow the Authority to sell water to Eastman Kodak Company at EBP-E.

Non-Eastman Kodak Properties. Eight properties located within the proposed EBP-E are not owned by Eastman Kodak Company. The owners were notified by certified mail of the proposed rezoning; no objections to this legislation have been submitted.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, The Director of Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A copy of the staff report to the City Planning Commission is on file with the City Clerk for review.

The Planning Commission held an informational hearing on the proposed rezoning on February 8, 2010. There were no speakers in support of the proposal and two speakers in opposition. By a vote of 6-0-1, the Commission recommends approval to City Council. The minutes of that hearing are attached.

A public hearing is required for the Zoning Map and Text Amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Duffy", written in a cursive style.

Robert J. Duffy
Mayor

Eastman Business Park

List of Properties to be Rezoned

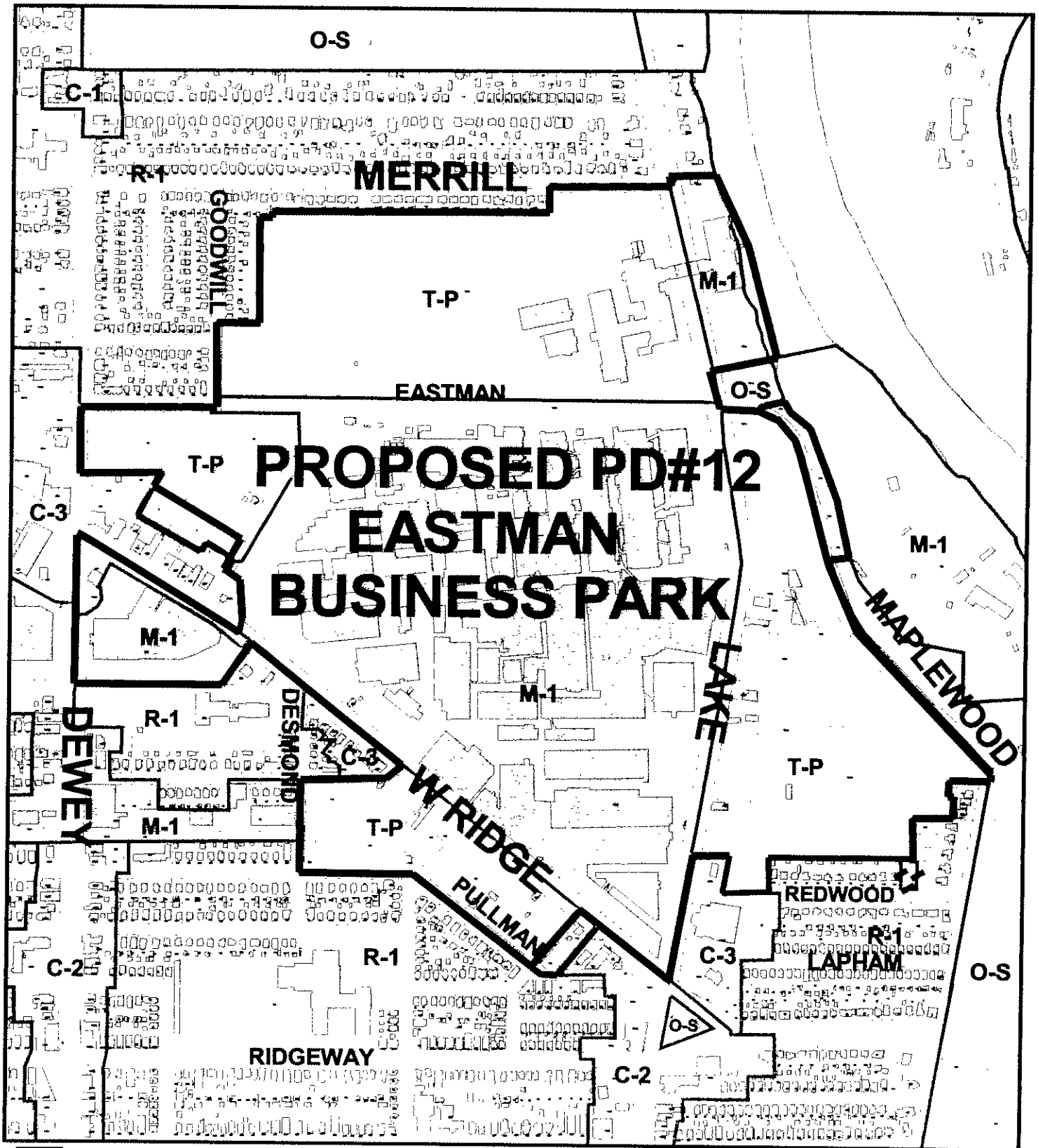
	Address	Owner	Current Zoning	Zone to
1	136 Desmond Street	EASTMAN KODAK COMPANY	T-P	PD#12
2	224 Pullman Street	EASTMAN KODAK COMPANY	T-P	PD#12
3	181-189 W. Ridge Road	EASTMAN KODAK COMPANY	T-P	PD#12
4	177 W. Ridge Road	EASTMAN KODAK COMPANY	T-P	PD#12
5	171 W. Ridge Road	EASTMAN KODAK COMPANY	T-P	PD#12
6	165 W. Ridge Road	EASTMAN KODAK COMPANY	T-P	PD#12
7	181 Primrose Street	EASTMAN KODAK COMPANY	T-P	PD#12
8	160 Pullman Avenue	SCHULT NAOMI M & JUNE L	T-P	PD#12
9	145 W. Ridge Road	EASTMAN KODAK COMPANY	T-P	PD#12
10	135 W. Ridge Road	NOBREGA FILLIPE	T-P	PD#12
11	131 W. Ridge Road	CITY OF ROCHESTER	T-P	C-2
12	119 W. Ridge Road	CITY OF ROCHESTER	T-P	C-2
13	32 Pullman Avenue	CITY OF ROCHESTER	T-P	C-2
14	200 W. Ridge Road	EASTMAN KODAK COMPANY	M-1	PD#12
15	1645 Lake Avenue	EASTMAN KODAK COMPANY	M-1	PD#12
16	1640 Lake Avenue	EASTMAN KODAK COMPANY	T-P	PD#12
17	1650 Lake Avenue	EASTMAN KODAK COMPANY	T-P	PD#12
18	1700 Lake Avenue	EASTMAN KODAK COMPANY	T-P	PD#12
19	1720 Lake Avenue	MERCONE ANDREA & ANN	T-P	PD#12
20	1754 Lake Avenue	EASTMAN KODAK COMPANY	T-P	PD#12
21	1764 Lake Avenue	URSO SANTO & GIOVANNA	T-P	PD#12
22	1768-1776 Lake Avenue	ROCKCASTLE DAVID G	T-P	PD#12
23	1780 Lake Avenue	EASTMAN KODAK COMPANY	T-P	PD#12
24	435 Maplewood Drive	EASTMAN KODAK COMPANY	T-P	PD#12
25	1850 Lake Avenue	EASTMAN KODAK COMPANY	T-P	PD#12
26	480 Maplewood Drive	EASTMAN KODAK COMPANY	T-P	O-S
27	500 Maplewood Drive	EASTMAN KODAK COMPANY	T-P	O-S
28	540 Maplewood Drive	EASTMAN KODAK COMPANY	T-P	O-S
29	570 Maplewood Drive	EASTMAN KODAK COMPANY	T-P	O-S
30	1888 Lake Avenue	EASTMAN KODAK COMPANY	T-P	PD#12
31	1964 Lake Avenue	EASTMAN KODAK COMPANY	M-1	PD#12
32	2038 Lake Avenue	EASTMAN KODAK COMPANY	M-1	PD#12
33	1991 Lake Avenue	EASTMAN KODAK COMPANY	T-P	PD#12
34	220 Eastman Avenue	EASTMAN KODAK COMPANY	T-P	PD#12
35	240 Eastman Avenue	EASTMAN KODAK COMPANY	T-P	PD#12
36	10 Woodside Street	EASTMAN KODAK COMPANY	T-P	PD#12
37	50 Goodwill Street	EASTMAN KODAK COMPANY	T-P	PD#12
38	17 Woodside Street	EASTMAN KODAK COMPANY	T-P	PD#12
39	70 Goodwill Street	EASTMAN KODAK COMPANY	T-P	PD#12
40	59 Goodwill Street	EASTMAN KODAK COMPANY	T-P	PD#12
41	9 S. Goodwill Street	CITY OF ROCHESTER	T-P	C-3
42	9 Woodside Street	CITY OF ROCHESTER	T-P	C-3
43	375 W. Ridge Road	EASTMAN KODAK COMPANY	M-1	PD#12
44	1981 Lake Avenue	EASTMAN KODAK COMPANY	M-1	PD#12
45	246 W. Ridge Road	BRITT ANDREW W/MARY ELLEN	M-1	PD#12
46	415-425 W. Ridge Road	CHRISTANIS CHRIS & ANTIGO	C-3	PD#12
47	1760 Dewey Avenue	CHRISTANIS CHRIS & ANTIGO	C-3	PD#12



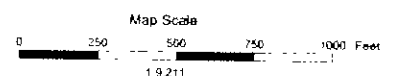
CITY OF ROCHESTER
NBD-Planning & Zoning

Eastman Business Park

Planned Development District #12



- PD#12-EASTMAN BUSINESS PARK
- TO BE REZONED O-S OPEN SPACE
- TO BE REZONED C-3 REGIONAL DESTINATION
- TO BE REZONED C-2 COMMUNITY CENTER



NOTES: This map is intended for reference only and not for engineering or surveying purposes. The accuracy of the data shown on this map is the responsibility of the user. No warranty is made by the City of Rochester for any use of this map for engineering or surveying purposes. The City of Rochester is not responsible for any errors or omissions on this map.

Revised: March 3, 2010

PD#12-Eastman Business Park with Subareas



February 8, 2010

CITY PLANNING COMMISSION

RECOMMENDATION

**PLANNED DEVELOPMENT DISTRICT #12
Eastman Kodak Company**

Case No: M-06-09-10 / T-02-09-10 / OMA-07-09-10

Resolution:

RESOLVED, that the City Planning Commission recommends that the Zoning Map be amended by rezoning 38 properties a 135, 145, 165, 171, 177 and 181-189 West Ridge Road, 136 Desmond Street, 181 Primrose Street, 160 and 224 Pullman Avenue, 1640, 1650, 1700, 1720, 1754, 1764, 1768-1776, 1780, 1850, 1888 and 1991 Lake Avenue, 435 Maplewood Drive, 220 and 240 Eastman Avenue, 10 and 17 Woodside Street, and 50, 59 and 70 Goodwill Street from T-P Transitional Parking District; and 200, 246 and 375 West Ridge Road and 1645, 1964, 1981 and 2038 Lake Avenue from M-1 Industrial; and 415-425 West Ridge Road and 1760 Dewey Avenue from C-3 Regional Destination, to PD#12-Eastman Business Park; and

119 and 131 West Ridge Road and 32 Pullman Avenue from T-P Transitional Parking to C-2 Community Center District;

9 S. Goodwill Street and 9 Woodside Street from T-P Transitional Parking District to C-3 Regional Destination District;

480, 500, 540, and 570 Maplewood Drive from T-P Transitional Parking District to O-S Open Space District; and

Amend the Zoning Text by adding the development concept regulations for PD#12-Eastman Business Park to Chapter 120, the Zoning Code;

And further recommends that:

1. The Official Map Amendment (OMA-07-09-10) to rededicate former Eastman Avenue as public right-of-way be removed from consideration at this time to allow for additional analysis to be conducted in accordance with correspondence issued by the City Engineer on February 1, 2010;
2. A twenty foot landscaped buffer is provided adjacent to residentially zoned properties;
3. No new driveway curb cuts are provided to or from the following residential streets: Redwood Road, Merrill Street or Goodwill Street; and
4. Provisions shall be made to protect adjacent land uses from inappropriate building heights and locations of multi-story structures.

Findings of Fact:

The recommendation of approval is based on the following findings as required by Section 120-190C(3)(c)(2) of the Zoning Code:

A. The proposed amendment conforms to the goals, standards and objectives of the Comprehensive Plan.

1. The intent of PD#12 (also known as Eastman Business Park-East, former Kodak Park-East or EBP-E) is to promote high employment and economic development opportunities that will benefit from the existing extensive utilities and site infrastructure. The flexible district regulations allow for the establishment of a mix of commercial, retail, residential and industrial uses that may be conducted within existing structures or within new construction on lands formerly utilized by the Eastman Kodak Company.
2. The proposed rezoning is supportive of the policies and goals of the City's Comprehensive Plan - Rochester 2010 as follows:

Campaign Five - Regional Partnerships. It is the policy of our city to promote the concept of Rochester as the economic, social, cultural, transportation and institutional center of our county and region by supporting a collaborative approach by businesses, organizations and area governments to communicate positive images of our city and region to our citizens and prospective visitors and residents.

Campaign Six - Economic Vitality, which strives to develop and promote a business and financial environment that facilitates the expansion and retention of existing businesses and the attraction and creation of new businesses with a special focus on the emerging high-technology industries; support a highly skilled and highly-trained workforce that is capable of supporting a broad range of new and existing employment opportunities; and promote the recognition, on the part of government, business, industry and employees locally, regionally, and nationally, that the Greater Rochester community is a world class community in many areas such as imaging and optical technologies, and therefore a good place to locate as well as to stay.

Together with the City, Eastman Kodak has developed a master plan and marketing strategy to facilitate the sale or lease of their existing buildings and underutilized vacant land and infrastructure to spur economic development opportunities and attract private investment and development/redevelopment.

B. The proposed Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby properties and with the character of the neighborhood:

1. The proposal is to create a Planned Development District (PD#12) to guide future development of the Eastman Business Park-East. Eastman Kodak

Findings (continued):

Company owns 34 of the proposed 47 properties that will be rezoned. Eastman Kodak and the City of Rochester will be overseeing development and redevelopment of the buildings and land located with PD#12. The district will be subdivided into three subareas:

Sub-area 1, the core of the EBP-E, approximately 83 acres, will provide adaptive reuse opportunities for existing buildings and sites by allowing for new construction for industrial and manufacturing uses.

Sub-area 2, approximately 80 acres, currently utilized as ancillary parking lots serving the former Kodak Park East, will provide new construction opportunities for light industrial and limited commercial uses.

Sub-area 3, approximately 15 acres, provide for commercial, residential and mixed-use opportunities.

2. Protections to adjacent land uses we kept in mind in the drafting of the PD regulations creating of the PD map. Certain use, such as, those generating a significant amount of traffic, commercial uses exceeding 10,000 square feet in area in subareas 2 and 3, outdoor operations in subareas 2 and 3, new parking structures, any use requiring a special use permit also require Site Plan Review approval by the Director of Planning and Zoning. These safeguards are meant to preserve and protect nearby uses and to ensure that development is in keeping with the character of the neighborhood.

C. The properties affected by the Zoning Map Amendment are suitable for uses under the proposed zoning:

Eastman Kodak Company has been in its current location for over a century. Change over the last ten years with the footprint reduction program and workforce reduction has necessitated a comprehensive review and analysis of development and redevelopment opportunities of the remaining buildings and vacant land. Eastman Kodak Company and the City of Rochester have partnered to prepare a master plan and marketing strategy to realize the goals of the proposed PD#12-Eastman Business Park. The PD#12 regulations and map have been prepared with protections in place which prohibit certain land uses such as junkyards, truck centers, and auto sales for example as these types of uses either have some visual impact associated with them or they have not proven to need large land areas with very little return in job creations and economic development. The available buildings and land area being offered by Eastman Kodak Company for sale or for lease are suitable for the permitted and specially permitted uses as outlined in the PD#12 regulations.

Findings (continued):

D. The properties affected by the Zoning Map Amendment will be served by essential public facilities and services.

Eastman Business Park spans an area of 1,220 acres, complete with two on-site railroads, a power plant, fire department, thirty miles of road, water and wastewater treatment plants, security, and a cogeneration facility (steam and chilled water) for heating and cooling needs. In conjunction with the zoning map and text amendments the City intends to grant a franchise agreement to Eastman Kodak to allow for the sale of water within EBP to lessees and purchasers of structures and land in the EBP. Kodak's ability to provide low cost water is viewed as an important asset to attracting industrial users to EBP. The onsite infrastructure is sufficient to meet the needs of development and redevelopment within the park. The infrastructure will be upgraded as necessary

Vote:	Motion Passes
Action:	Recommend Approval
Record of Vote:	6-0-1
D. Watson	Recommend Approval
S. Rebholz	Recommend Approval
D. Suchy	Recused
H. Zimmer-Meyer	Recommend Approval
E. Marlin	Recommend Approval
W. Clark	Recommend Approval
J. Vazquez	Recommend Approval

MINUTES

ZONING MAP AMENDMENT and ZONING TEXT AMENDMENT

M-06-09-10 / T-02-09-10 / OMA-07-09-10 / PD#12

CITY PLANNING COMMISSION INFORMATIONAL MEETING (02/08/10)

APPLICANT: City of Rochester and Eastman Kodak Company

PURPOSE: To amend the Zoning Map by rezoning 38 properties from T-P Transitional Parking District, M-1 Industrial District and C-3 Regional Destination District to Planned Development District (PD#12)-Eastman Business Park; three (3) properties from T-P Transitional Parking to C-2 Community Center District; four (4) properties from T-P Transitional Parking to O-S Open Space District; and, two (2) properties from T-P Transitional Parking to C-3 Regional Destination District; and,

To amend the Zoning Text by adding the development concept regulations for PD#12-Eastman Business Park to Chapter 120 of the City Code; and,

To amend the Official Map by rededicating Eastman Avenue between Lake Avenue and Goodwill Street as public right-of-way, an approximate distance of 2,200 feet comprising in area of 3.315 acres; actions requiring City Planning Commission recommendation to City Council.

The study area was expanded to include the properties at 415-425 W. Ridge Road and 1760 Dewey Avenue located in a C-3 Regional Destination district. These properties were considered after public notification was mailed, however the property owner was notified by certified mail of the proposed rezoning. It is requested that the Planning commission consider including these parcels in their recommendation to City Council.

The public notification inadvertently omitted a change in zoning of three (3) properties at 119 and 131 W. Ridge Road and 32 Pullman Avenue, owned by the City of Rochester, from T-P Transitional Parking to C-2 Community Center District. It is recommended that the Planning Commission include this correction in their recommendation to City Council.

APPLICANT AND/OR REPRESENTATIVE PRESENTATION:

Commission member Suchy recused due to a conflict of interest as she is employed by Eastman Kodak Company.

Commission member Rebholz made the following statement: I am Steve Rebholz and my company, SWBR Architects, has current contracts with Eastman Kodak Company and to best of my knowledge the proposed rezoning and other actions tonight would not impact those agreements. I believe I can hear this case and impartially decide on the matter.

Commission member Heidi Zimmer-Meyer made the following statement: I am Heidi Zimmer-Meyer of the Rochester Downtown Development Corporation. Eastman Kodak Company is a financial supporter of my organization. I have not discussed this proposal with any member of the company.

Marcia Barry, Manager of Zoning, presented the proposal. Throughout 2008, an interdepartmental team of City staff met with an interdepartmental team at Eastman Kodak to discuss the long range plans for Kodak lands at Lake Avenue and Ridge Road. We are here today to present the proposed plans for the area. Thad Schofield, City of Rochester Neighborhood and Business Development Department will be providing an overview of our project and David Stoklosa for Eastman Kodak Company will be providing an overview of Kodak's vision for Eastman Business Park. I will then respond to any questions you may have regarding the zoning map and text changes.

D. Stoklosa: Good evening. I am David Stoklosa, Director of Kodak Rochester Facilities and Eastman Business Park (EBP). Half of EBP is in the City of Rochester and half is in the Town of Greece. As we exited our footprint reduction program in 2007-2008, where we demolished our buildings, we had to ask ourselves, what are we going to do now? PD#12 sets the stage for growth in the community, jobs and businesses to come back. While we were reducing our building footprint we did not disrupt our infrastructure, in fact we invested in our power plant and industrial water treatment systems not only because Kodak still relies on it, but to attract third parties.

EBP is 1,220 acres. EBP East (EBP-E) is the former Kodak Park East. We removed about five million square feet of manufacturing in EBP-E, leaving a 170 acre parcel with over 70 acres of parking lots.

We recognize that future industrial growth can occur in the central core of the park, but we need to change the zoning along the perimeter from transitional parking to PD#12 to facilitate development in these areas as the current designation does not allow for development. These areas are prime real estate located along Lake Avenue, Ridge Road and Eastman Avenue. We anticipate re-opening Eastman Avenue which makes sense to get around the park. I will now turn it over to Thad Schofield.

T. Schofield: This is truly a unique opportunity. Currently, the City only has seven acres of shovel ready space, and these seven acres are spread out, they are not continuous. We could never attract an out of state development that was looking for more than seven acres for their business.

We partnered with Kodak because we saw the potential and the benefits from many different perspective. Our goal is to reinvent Kodak Park by spurring economic development through the creation of Eastman Business Park, to modify obsolete zoning designations, to increase the amount of developable land, increase jobs, the tax base and private investment in the city, and to facilitate a quick turnaround time for potential development.

Efficient development turnaround is essential. And, we have partnered with Eastman Kodak Company, Monroe County, Greater Rochester Enterprise, and RG&E to implement our marketing campaign.

PD#12 is divided into three subareas. The core of the area is subarea 1 and will promote heavy industrial and manufacturing. Low intensity manufacturing uses and commercial uses will be permitted in subareas 2 and 3, which tend to be located closer to residential areas. Subarea 3 will also permit retail and residential.

The proposed regulations are flexible enough to streamline development, but have enough safeguards to protect adjacent uses along the perimeter.

We are also looking at the feasibility of reactivating Eastman Avenue as a public right-of-way to reestablish the east-west link to help residents and employees. Dedication will occur after further engineering studies, which have not yet occurred.

D. Stoklosa: Kodak is communicating with Empire State Development, Greater Rochester Enterprise or High-Tech Rochester on a weekly basis to discuss what Kodak has to offer.

As I mentioned before, Kodak owns 1,220 acres of land and even with our footprint reduction program we still have 16 million square feet of space. We are a 100% secured site with patrol and we have 24/7 access control. We offer two railroads, 3 rail yards and 17 miles of track, *the* biggest thing national firms look for in their site selection, a fire department, 30 miles of road, railroad, 3 rail yards and this will be a big player in the biofuels area we are looking at, a power plant, and a cogeneration plant for heating and cooling, allowing us to offer low cost utilities. We have the ability to pump 50 million gallons of water a day into EBP at pennies on the dollar and that attracts a different type of business. We are working on a franchise agreement with the City that will allow Kodak to sell water to third party users.

To date we have lured companies to EBP with our onsite services and security, such as Johnson & Johnson, LiDestri Foods, Pro-Tech, Rochester General Hospital, and Carestream.

We have talked with solar companies, biofuels companies, wind power companies, nanotechnology and fuel-cell companies that we are hoping to bring to EBP and very quickly.

The EBP is an environmentally responsible site. We have won the silver award several times for compliance at the Waste Water Treatment facility; we are recognized by the Environmental Protection Agency and the Department of Energy; we won the Energy Plant Award in 1997 the highest award presented for an industrial complex on energy conservations, in fact that lead to the reduction of two powerhouses to one when we decommissioned the east powerhouse. We may actually one day recommission the powerhouse if biofuels take off to burn lignin. It is truly creative thinking like this that will bring back jobs on a technical level.

Right now we have about 45 projects in the funnel at EBP as potential new tenants.

Recently the Rochester Business Journal and YNN News covered EBP and have done a great job of helping us get the word out to market the park.

Even most recently, a company in Cornell, Novemer, has partnered with Kodak to polymerize CO₂ into plastic on a \$20 million grant through the Department of Energy to advance green technologies.

In summary, we are requesting approval of PD#12 to guide future development and redevelopment of Eastman Business Park and the for the franchise agreement which gives us a competitive edge by offering low cost utilities to new businesses.

- H. Zimmer-Meyer This is an incredibly exciting to see what you are proposing, and an amazing amount of land and the facilities that you have in the park that are being offered for development are incredible. To be able to leverage that for economic development growth is brilliant. So much of what you are doing is what we need in the City. I am confused about the definition of Eastman Business Park. Does that include Kodak Offices and Rochester Technology Park?
- D. Stoklosa: No, Eastman Business Park is what used to be Kodak Park only, the full 1,220 acres located in the City and in the Town of Greece. The new regulations for PD#12 will be for what used to be Kodak Park East.
- H. Zimmer-Meyer The companies you mentioned, LiDestri and Pro-Tech, where are they located?
- D. Stoklosa: They are in Eastman Business Park, the portion that is in the Town of Greece, but what is important is they are all tied to the same power plant.

So, every new user in Eastman Business Park reaps the benefit of low cost utilities regardless if they are located in PD#12 or somewhere else in EBP.

H. Zimmer- I have question about a topic raised by the Project Review Committee. In Subarea 3 they raised a concern for the close proximity of residential neighborhoods and uses and the fact there are no height restriction and the concern being there could be an eight story or higher building, not that it necessarily would, but could, be built twenty feet from a homeowners back fence.

D. Stoklosa: A building of that height would be disqualified as it allows residential and commercial with very specific commercial restrictions with one story fronts.

Staff: Subarea 3 specially permits industrial so that would be subject to special approval.

H. Zimmer-Meyer Ok, so there is a way to catch that. Great, thank you.

D. Watson: Is there anyone that would like to speak in favor of this application?

None

D. Watson: Is there anyone that would like to speak in opposition to this proposal?

Gilbert

Biancucci: Good evening. My name is Gilbert Biancucci, owner of 249 Maplewood Drive. My wife and I have been there since 1979. My concern is about Subarea 2 having to do with the existing parking lot between Lake Avenue and Maplewood Drive. I disagree with the proposed regulations which allows for light industrial in this area. Light industrial will destroy the community, the little residential area which presently exists, on Maplewood Drive, Redwood Road and Lapham Street. This area should return to what it was prior to being turned into a parking lot. Prior to being a parking lot it was residential with commercial along Lake Avenue. Light industrial buildings right behind our houses would destroy our housing values. I invite you to visit our little area, it is well maintained, neat houses, no crime, and to us this type of thing; block buildings and light industrial uses will devalue our homes. The concern is that it will turn that area into parts of the city that we do not want to be like. The first time I found about this was when I received a post card in the mail and I visited the Zoning Office and found out the plans for this area are for light industrial. Under the circumstances we are asking the Planning Commission to hold on this item until the residents have an

opportunity to talk to the Maplewood Neighborhood Association and to a number of politicians because we believe this type of rezoning will destroy the area. The Zoning Office and Kodak have been working on this for a year and no one has come to us to discuss the matter with us at all.

There is also a part of Kodak land that touches Redwood Road and what that would mean is heavy trucks on the residential street and in the residential neighborhood; there are a number of children there. The other area of concern is the former Kiehl Street driveway on Maplewood Drive just north of our homes. Thank you. (written comments submitted)

- N. Roberts: Good evening, my name is Norman Roberts and I live at 259 Maplewood Drive. I am also in opposition to the rezoning to light industrial. I request that you give an opportunity to the citizens to further hear about these plans.
- D. Watson: The applicant has an opportunity to rebut.
- D. Stoklosa: Keep in mind that this is an open canvas. There is no design yet for who will go there. As a matter of fact no one has asked for the property. But we know without a rezoning we will never get any interest in the property. Practically speaking, Kodak would never allow a 4 story building to be built. We have never been that kind of a neighbor and we can stand on some of our past neighborhood activities and listening to the folks that live around the park. The design of what happens 30, 40 or 50 feet away from your property is flexible. To get through all the design criteria and such you are getting ahead of yourself. This is not what we would let happen.
- M. Barry: We did recognize the sensitivity of Maplewood Drive and Redwood Road, and truck traffic would not be allowed on Redwood Road and the city would not support a driveway curb cut on Redwood Road to accommodate that. We also put limitations to the number of curb openings being introduced on Maplewood drive and that any new curb opening would require site plan review approval. We have imposed a 20 foot setback for new construction from residential district boundary lines. We did recognize that the residential are needed protections and we believe we have addressed that in the regulations.

HEARING ENDS

Submitted by Gilbert
Bianucci

**Rochester City Planning Commission Public Hearing - February 8, 2010
Planned Development District #12- Eastman Business Park**

Concern regarding:

- Inadequate notification to residents who will be impacted ^{by} planned changes to current zoning
- Impact planned amendments to zoning maps & codes will have on residents whose homes would abut PD #12 & their neighborhoods

1) As the City of Rochester and Eastman Kodak have obviously been working on the plan for a project of this size & scope for a number of years, it is untenable that the residents who would be most directly impacted were given such short notice of this hearing and incomplete information about its purpose.

In addition, the postcard notification made no mention of the geographic borders of PD #12; nor did it state the specific zoning changes being requested for areas within that parcel of land.

It was not until we met with Zina Logonegro at the zoning office and viewed the map of PD #12 that we learned that 'the District' ~~includes~~ not only includes land commonly referred to as 'Kodak Park', but also parking areas to the north, west, east & south which abut residential homes in the Maplewood neighborhood.

The provision of more transparent information regarding the zoning changes specific to each sub-area of PD # 12 needs to be provided to those whose homes border this project. And the planning commission should provide additional time to residents who would be most profoundly impacted by the planned zoning changes to make recommendations as to any changes which might be necessary.

Concerns regarding:

- Specific sub-area bordered by Maplewood Ave to the north & east, Redwood Rd to the south and Lake Avenue to the west.

Although additional time is needed to ask neighbors for their input on potential problems which a zoning change from Transitional Parking, during our meeting with and questioning of Zina Lagonegro a number of potential issues were of immediate concern.

With Maplewood Park, pond & playground & beautiful well-maintained homes lining Maplewood Drive and the Genesee Riverway Trail running along it, this is not an area appropriate for manufacturing & light industrial properties.

- The backyards of homes on Redwood Rd and Maplewood Drive directly abut the above-mentioned sub-area; close proximity to either manufacturing or light industrial uses would drastically impact property values and quality of life for residents.
- Page 1 of the Environmental Assessment noted this area will "provide new construction opportunities for industrial and limited commercial uses". However, the development map indicates zoning in this sub-area will be changed to Manufacturing or Light Industrial.
- Zoning's codebook definition of Manufacturing provides a wide range of allowable processes which no one would want in his backyard and places no restrictions on the time such activities would be conducted. (see definition)
- Light Industrial's definition seems to offer more protection for impact on the area but also fails to address hours of operation. (see definition)
- The elevation of Kodak's parking lot to the rear of Maplewood homes formerly resulting in flooding of some properties when melting snow & rain from the parking lot would run off onto their property.
- Set-backs & landscaping between residential properties & any development need to be addressed and planed in such a way to mitigate the potential impact of development on residents
- According to the Planned Development District Draft (p. 4) loading docks & service yards will not be visible from Lake Ave or Maplewood Dr, but no restrictions are included for Redwood Rd. This road also serves as access for school buses & delivery trucks to residents on Lapham Rd since re-routing for the 104 Project & enhancing Piehler Pontiac's property was implemented.
- Although no additional curb-cuts will be allowed on Maplewood Drive we're uncertain of any existing , but currently unused ones which may be reopened. Redwood Rd. also has an existing curb-cut to the entry of a former Kodak parking lot entrance. Redwood would not be able to handle any additional car or truck traffic which would be generated if this were allowed to again be used.

Certainly more questions & suggestions will need to be addressed. Please provide an opportunity to do so!

Gilbert & Maureen Biancucci
 249 Maplewood Drive, Rochester, NY 14615
 (585) 458- 6170

2010 FEB -3 AM 10:11

*Tom Dougherty, President
West Ridge Business Association
Rochester, NY 14615
585-254-8055*

Mr. Stoklosa,

This letter is to confirm the support from the West Ridge Business Association for the proposed changes to Eastman Business Park. The businesses in this area look forward to having the area previously Kodak Park occupied by new industry. Together with the City of Rochester and Eastman Kodak, the West Ridge Business Association looks forward to revitalization in the area. It is our understanding that to go forward with this project Eastman Business Park will need to be rezoned. We support the rezoning. The successful transition of Eastman Business Park is a very important economic transformation for this area. Please do not hesitate to contact me if you have any further questions or requests regarding this matter.

Best Regards,
Tom Dougherty
President, West Ridge Business Association

2010 FEB -03 10:10



Mr. Bernard M. Nee
Manager
Energy Contracts & Neighborhood Relations
Eastman Kodak Company
1669 Lake Avenue
Rochester, NY 14652-4770

February 4, 2010

Subject: Rezoning proposal for the section of Eastman Business Park east of Dewey Avenue (~50 acres)

Regarding: Support Letter for Rezoning from the Maplewood Neighborhood Association (MNA)

From: Chris Tillett, President, MNA, on behalf of the Board of Directors

As President of the MNA, on behalf of the Board or Directors, I am please to write this letter of support for the rezoning of Kodak lands east of Dewey Avenue, surrounding the Eastman Business Park.

Eastman Kodak should be given zoning flexibility to re-develop or sell former parking lots in order to increase residential, commercial or other development within Maplewood.

Eastman Business Park is a valued neighbor in the Maplewood community. Area residents look forward to increased work force at the Park, supporting neighborhood businesses and providing jobs for our residents.

Sincerely,

A handwritten signature in black ink that reads "Christopher S. Tillett". The signature is fluid and cursive, with a long horizontal stroke at the end.

Christopher Tillett
President, Maplewood Neighborhood Association
Cc: MNA Office

**Project Review Committee
Minutes
February 3, 2010**

Members in Attendance:

Marcia Barry, Manager of Zoning
Dave Beinetti, urban design specialist (architect)
Roger Brown, urban design specialist (architect)
Jim McIntosh, City Engineer
Rick Rynski, Business and Housing Development
Joel Smith, Manager of Plan Review and Permits
Chuck Thomas, Director of Planning

Staff:

Jason Haremza, Planning and Zoning

1. Project Name: Eastman Business Park PD Regulations

Location: 200 West Ridge Road (et al.)

Applicant Present: none

Project Description: Re-zone approximately 177 acres of the former Kodak Park from M-1 and T-P to Planned Development (PD) #12, with three sub-areas. Proposed regulations allow for great flexibility for future development while drawing on existing city wide design regulations for M-1 and C-3 districts.

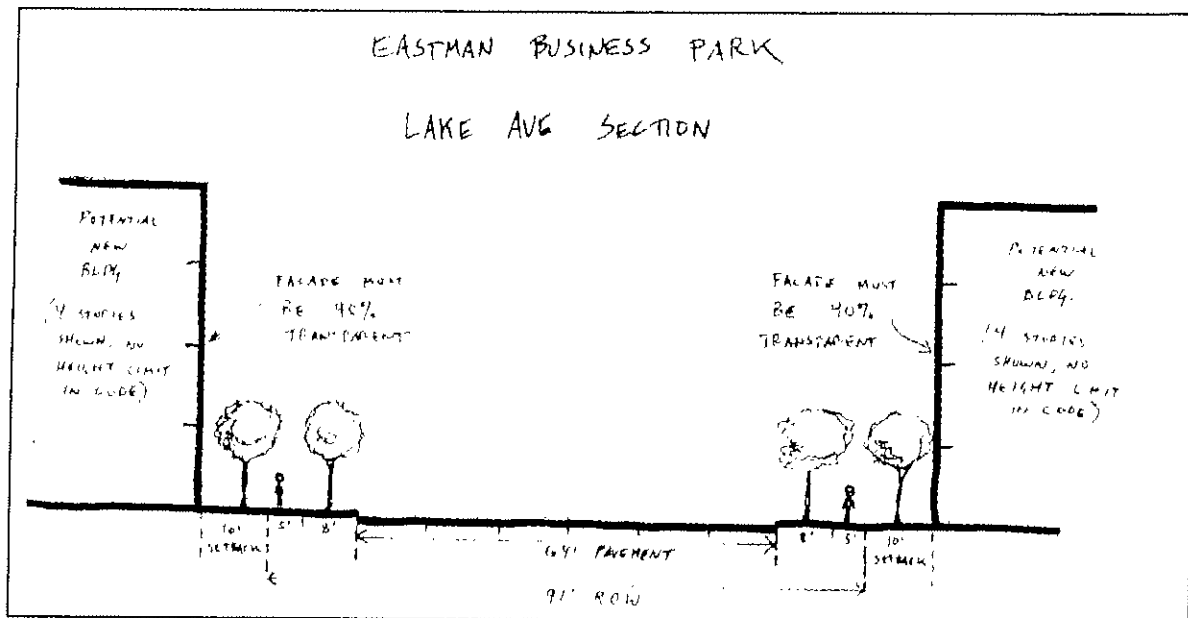
Brief overview by Marcia Barry

Discussion of a master plan for Eastman Business Park. It was noted that most business parks (Canal Ponds, Rochester Science Park, etc.) have some form of master planning.

Roger Brown: the Lake Avenue corridor is critical. The city needs to control the experience of walking or driving down Lake Avenue. Clarified that there is approximately 13 feet from existing curb to edge of right-of-way. The proposed 10 foot setback would be from that line, creating an area of approximately 23-24 feet from curb to building façade. Sidewalk should hug right-of-way line to provide as much space as possible between sidewalk and curb for a row of trees. See Figure 1 for reference.

Dave Beinetti: concerns about industrial uses in the eastern portion of Sub-area 3. This is a small subarea, with relatively small parcels in close proximity to residential neighborhoods.

Figure 1.

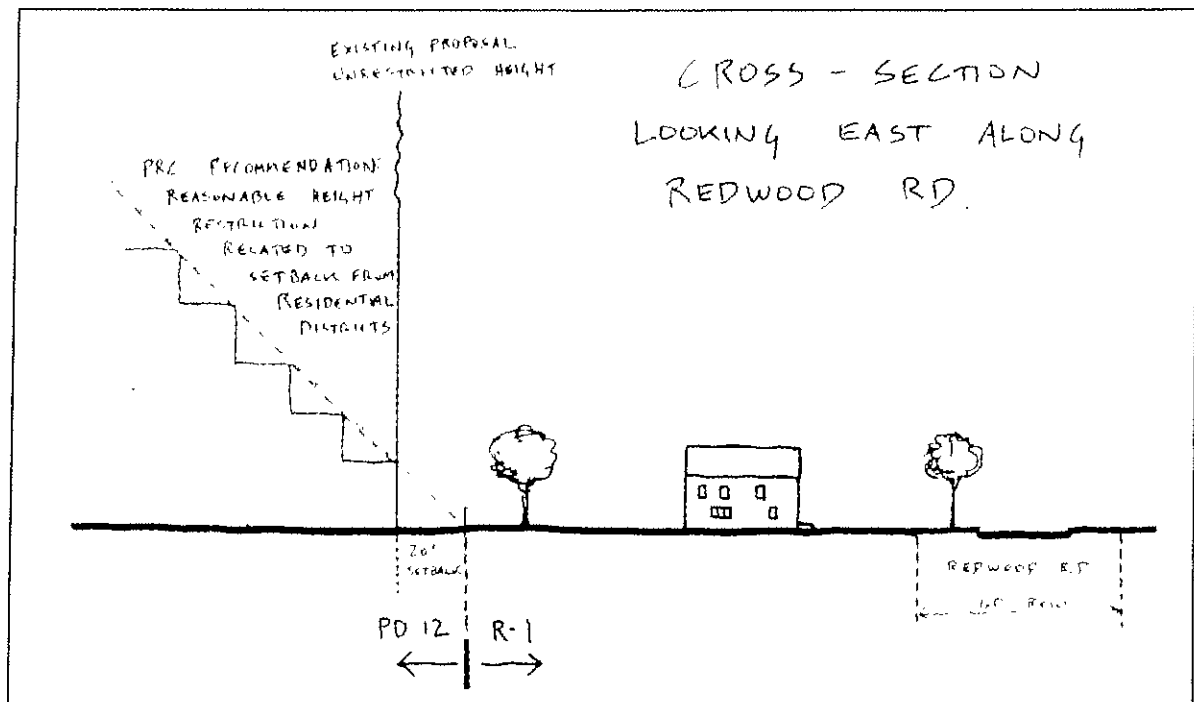


Also concerned that there is no height restriction in relation to adjacent residential uses. The code requires a 20 foot setback but includes no height restrictions. Thus the code would allow, as of right, a 6 or 8 (or 20 story) building or parking garage 20 feet from a homeowner's back fence.

Summary:

1. Amend regulations to include a flexible and reasonable height restriction when adjacent to residentially zoned property. See Figure 2 for a graphic illustration of issue.
2. Any reconstruction of Lake Avenue should shift public sidewalk as close to right-of-way line as possible to create generous space for a row of street trees between sidewalk and curb.
3. The PD regulations represent a first step; more detailed further planning for the Eastman Business Park and immediately surrounding neighborhoods is strongly recommended. The PRC noted that a master plan can create a vision as well as visual images that can significantly enhance marketing efforts for the business park. Particular attention should be focused on the primary public spaces of Lake Avenue, West Ridge Road, and, potentially, Eastman Avenue. If Eastman Avenue is returned to the public realm, it could become an important east-west connection, particularly for pedestrian and bicyclists, between neighborhoods around Dewey Avenue and Maplewood Park.

Figure 2 – Cross section showing residential set back issue. The existing proposed regulations require a 20' setback but do not limit height. 20 feet may be a reasonable setback from residential back yards if the building or parking garage is only 2 stories tall, but inappropriate if the building or parking garage is 4 or 6 or more stories tall.



~~2. Courtesy Referral: Roof-mounted signs in the Center City.~~

~~Summary:~~

~~1. If the Planning and Zoning Office is to accept applications for roof-mounted signs, the following criteria are recommended:~~

- ~~• Roof-mounted signs should be limited to the name of the building, the name of the owner, or a tenant that occupies no less than 50% of the leasable square footage.~~
- ~~• Applicant must supply professional photo simulations showing how the sign will appear when viewed from various distances.~~

Ordinance No.

Amending Chapter 120 Of The Municipal Code,
Zoning Code, By Adding The Development
Concept Plan For The Eastman Business Park
As Planned Development District #12

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding the Development Concept Plan for the Eastman Business Park to read in its entirety as follows and by designating the Eastman Business Park as Planned Development District #12— Eastman Business Park:

Planned Development District #12

Eastman Business Park

The Eastman Business Park Planned Development District (PD#12) encompasses over 160 acres of land located in the area generally bound by W. Ridge Road, Dewey Avenue, Merrill Street and Maplewood Drive. The intent of PD#12 is to promote high employment and economic development opportunities that will benefit from the existing extensive utilities and site infrastructure. The flexible district regulations allow for the establishment of a mix of commercial, retail, residential and industrial uses that may be conducted within existing structures or within new construction on lands formerly utilized by the Eastman Kodak Company.

PD#12 is divided into three Sub-areas:

Sub-area 1: The primary area is the center core of the area formerly known as Kodak Park East. It consists of approximately 83 acres of heavy industrial, office and manufacturing facilities and vacant demolition sites. This area will provide adaptive reuse opportunities for existing buildings and sites for new construction for industrial uses.

Sub-area 2 consists of two areas: One area is approximately 51 acres north of the center core generally bound by Eastman Avenue, Dewey Avenue, Merrill Street and Lake Avenue. The second area is approximately 28 acres east of the center core generally bound by Lake Avenue, Redwood Road and Maplewood Drive. These areas were utilized as ancillary parking lots serving the former Kodak Park East and will now provide new construction opportunities for industrial and limited commercial uses.

Sub-area 3 consists of two areas: One area is approximately 10 acres located south of the center core bound by W. Ridge Road, Minder Street, Pullman Avenue and Desmond Street. The second area is approximately 5 acres and is generally bound by Dewey Avenue and West Ridge Road. Sub-area 3 provides opportunities for new construction for commercial and mixed uses.

A. Permitted Uses and Structures.

(1) The following uses are permitted in Sub-area 1:

- a. Manufacturing and light industrial uses except those specifically prohibited in PD#12;
- b. Research laboratories;
- c. Offices;
- d. Support uses and structures which provide services to both PD district uses and the community;
- e. Ancillary parking lots and garages.

(2) The following uses are permitted in Sub-area 2:

- a. Manufacturing or light industrial uses when conducted in fully enclosed buildings unless specifically prohibited in PD#12;
- b. Research laboratories;
- c. Offices;
- d. Commercial uses containing less than 10,000 square feet when conducted in a fully enclosed building;
- e. Ancillary parking lots and garages.

(3) The following uses are permitted in Sub-area 3:

- a. Commercial uses of less than 25,000 square feet and conducted in a fully enclosed building, provided that accessory outdoor seating areas are permitted;
- b. Offices;
- c. Ancillary parking lots and garages;
- d. Mixed uses, not including industrial uses;
- e. Multi-family dwellings.

B. Special Permit Uses.

- (1) PWTF's in excess of 150 feet in Sub-area 1;
- (2) Commercial uses in excess of 10,000 square feet in Sub-area 2;
- (3) Accessory outdoor seating areas in Sub-area 2;
- (4) Manufacturing and light industrial uses in Sub-area 2 when not conducted in a fully enclosed building, except for uses which are specifically prohibited in PD#12;
- (5) Multi-family dwellings in Sub-area 2;
- (6) Drive-through uses in Sub-areas 2 and 3;
- (7) Vehicle repair in Sub-areas 2 and 3;
- (8) Industrial uses in Sub-area 3;
- (9) Commercial uses in excess of 25,000 square feet in Sub-area 3;

C. Prohibited Uses.

The following uses are prohibited in PD#12:

- (1) Junkyards and recycling centers;
- (2) Self-storage;
- (3) Truck centers in Sub-areas 1, 2 and 3;
- (4) Used vehicle sales;
- (5) Sexually oriented businesses;
- (6) Places of worship;
- (7) Single and two-family dwellings in Sub-areas 2 and 3;
- (8) Dwellings in Sub-area 1;
- (9) Schools except trade schools;
- (10) Homeless shelters, residential care and homeless residential facilities;
- (11) Outdoor entertainment, recreation and the like unless accessory to a permitted use.

D. Lot, Area and Yard Requirements.

- (1) Lot Frontage Requirements: N/A.
- (2) Lot Area Requirements: N/A.
- (3) Lot Coverage Requirements: N/A.
- (4) Front Yard Requirements for buildings.

a. Sub-area 1:

Lake Avenue	Maximum 10 Feet
Eastman Avenue	N/A
W. Ridge Road	N/A

b. Sub-area 2:

Lake Avenue	Maximum 10 Feet
Eastman Avenue	Maximum 10 Feet
Goodwill Street	Maximum 10 Feet
Merrill Street	Maximum equal to the average front yard depth of buildings on the block frontage
Dewey Avenue	N/A
Redwood Road	Maximum equal to the average front yard depth of buildings on the block frontage
Maplewood Drive	Maintain existing 10 foot front yard setback

c. Sub-area 3:

W. Ridge Road	Maximum 0-5' Feet
Minder Street	Maximum 10 Feet
Pullman Avenue	Maximum 10 Feet
Desmond Street	Maximum 10 Feet
Dewey Avenue	Maximum 0-5' Feet
Primrose Street	Maximum 10 Feet
Palm Street	Maximum 10 Feet

Front yard requirements for parking lots in all Sub-areas, 10 feet, except Merrill Street, Redwood Street and Maplewood Drive which shall provide the same setback required for buildings.

(5) Other yards.

A 20 foot landscaped setback shall be provided adjacent to residentially zoned properties.

E. Bulk Requirements.

Minimum Building Height.

Sub-area 1: N/A

Sub-area 2: N/A

Sub-area 3: Minimum height of 20 feet or 2 stories

F. Design Standards.

- (1) All exterior finishes of building facades along arterial frontages shall be constructed primarily with masonry materials.
- (2) Development and redevelopment in Sub-areas 1 and 2 in PD#12 shall be subject to the City-Wide Design Guidelines and Standards (Article XIX) for uses in the C-3 and M-1 districts.
- (3) Development and redevelopment in Sub-area 3 in PD#12 shall be subject to the City-Wide Design Guidelines and Standards (Article XIX), for uses in the C-2 district.
- (4) To reduce obsolete or excess paving on any lot for which new development is proposed, all pavement on such lot beyond what has been established to be needed for parking, loading and access associated with the proposed use shall be removed.

G. Off Street Parking, Loading and Access Requirements.

(1) Parking.

- a. Parking for uses within the PD#12 may be located anywhere within the district.
- b. Proposals for development in Sub-area 1 shall be accompanied by a parking demand analysis as specified in Zoning Code § 120-173.
- c. For construction of new buildings, parking shall not be permitted between the new building and the street on the Lake Avenue, Dewey Avenue, Maplewood Drive and West Ridge Road frontages.

(2) Loading.

- a. Loading shall comply with the requirements set forth in Zoning Code §120-172.
- b. Loading docks and service yard shall not be visible from Lake Avenue, Dewey Avenue, Maplewood Drive or West Ridge Road.

(3) Access.

- a. The intent of PD#12 is to provide coordinated circulation and access patterns for the overall development site.
- b. Connected access and shared parking is encouraged. New access points on arterial streets will require traffic information which establishes that traffic, loading and/or circulation cannot be reasonably accommodated by existing accesses.
- c. No additional curb-cuts to Maplewood Drive will be permitted.
- d. No new driveway curb cuts shall be provided to or from Redwood Road, Merrill Street or Goodwill Street.

H. Accessory Uses and Structures.

- (1) Defined outdoor storage areas or materials stored in containers accessory to a permitted use established within an enclosed building in Sub-area 1 are permitted.
- (2) One storage building accessory to a permitted use in Sub-areas 2 and 3 are permitted.
- (3) Wind, solar and other energy production facilities shall be encouraged in PD#12.

I. Personal Wireless Telecommunications Facilities (PWTF).

Personal wireless telecommunications facilities are permitted in the PD#12 in accordance with § 120-143 of the Zoning Code as follows:

- (1) Sub-area 1 shall be regulated in the same manner as the M-1 district, except that a Special Permit shall be required for towers exceeding 150 feet in height.
- (2) Sub-area 2 and 3 shall be regulated in the same manner as Commercial Districts, except that towers shall be prohibited.

J. Signs.

Signs in PD#12 are intended to maximize way finding. The overall intent is to minimize sign clutter, excessive numbers and sizes of signs, and the use of sign types, materials and lighting which pose negative visual impacts to the PD and to the adjoining neighborhood.

- (1) In all Sub-areas, a maximum of 1 attached sign per building per street frontage is permitted, and such sign shall not exceed 1.0 square foot for every foot of building frontage.
- (2) A Sign Program shall be developed for Sub-area 1, which will include building identification signs, way finding signs, and multi-tenant signs for the entire center core of Eastman Business Park.
- (3) A Sign Program may be developed for Sub-area 2 and Sub-area 3, and is subject to site plan approval by the Director of Planning and Zoning upon referral to the Project Review Committee.
- (4) Detached signs in excess of 6 feet high, except a detached multi-tenant sign, are prohibited in PD#12.

K. Review and Approval.

- (1) All projects shall be reviewed in accordance with the requirements for a Certificate of Zoning Compliance set forth in Section 120-189 of the Zoning Code. Proposals for development in Sub-areas 2 and 3 shall include a pavement reduction plan to demonstrate satisfaction of the requirements of F4 above.
- (2) Notwithstanding any provisions contained in the Zoning Code to the contrary, the only incremental development in PD#12 requiring major or minor site plan approval per Section 120-191 of the Zoning Code shall be limited to the below listed activities. All other development shall be

subject to the application requirements of Section 120-189 and any special requirements of PD#12.

- a. New parking lots over ten (10) spaces along arterials in Sub-area 1.
 - b. Any use proposing outdoor operations or storage in Sub-areas 2 and 3;
 - c. Commercial uses exceeding 10,000 square feet or proposing drive-through operations in Sub-area 2 or 3;
 - d. Any use in Sub-area 2 or 3 not in compliance with the requirements of PD#12;
 - e. Uses in Sub-area 3 which do not comply with the city-wide design standards for nonresidential uses in C-2 districts;
 - f. New parking garages;
 - g. Any use generating 100 or more peak-hour trips as defined by International Transportation Engineers (ITE) Trip Generation;
 - h. Development or redevelopment requiring a new curb cut;
 - i. Any use requiring special permit approval;
 - j. Residential uses in PD#12.
- (3) Uses in PD#12 are subject to Requirements Applying to All Districts (Article XX), except:
- a. § 120-175, Outdoor storage
 - b. § 120-177, Signs.
- (4) The Director of Planning and Zoning may waive the requirements of PD#12 except the prohibited uses, through the site plan approval process based on a determination that the project is in compliance with the overall intent of PD#12.
- (5) The Director of Planning and Zoning may grant waivers of setbacks in excess of 50%, access requirements, and parking lots in excess of 110% of the required parking set forth in Section 120-173C of the Zoning Code through the site plan approval process, subject to a recommendation by the Project Review Committee.
- (6) This planned development is subject to the requirements set forth in Article XVII of the City Zoning Code regarding planned development districts.

Section 2. This ordinance shall take effect immediately.

Ordinance No.

Changing The Zoning Classification Of
Eastman Kodak Company Parcels From
T-P Transitional Parking And M-1 Industrial;
And 160 Pullman Avenue, 135 West Ridge Road,
1720, 1764 And 1768-1776 Lake Avenue From
T-P Transitional Parking; 246 West Ridge Road
From M-1 Industrial And 415-425 West Ridge Road
And 1760 Dewey Avenue From C-3 Regional
Destination Center To PD #12—Eastman Business Park

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 135, 145, 165, 171, 177 and 181-189 West Ridge Road, 136 Desmond Street, 181 Primrose Street, 160 and 224 Pullman Avenue, 1640, 1650, 1700, 1720, 1754, 1764, 1768-1776, 1780, 1850, 1888, and 1991 Lake Avenue, 435 Maplewood Drive, 220 and 240 Eastman Avenue, 10 and 17 Woodside Street, and 50, 59 and 70 Goodwill Street from T-P Transitional Parking District; and 200, 246, 375 West Ridge Road and 1645, 1964, 1981, and 2038 Lake Avenue from M-1 Industrial; and 415-425 West Ridge Road and 1760 Dewey Avenue from C-3 Regional Destination, to PD#12-Eastman Business Park:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows: Beginning at the centerline intersection of Lake Avenue (ROW Varies) and West Ridge Road (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) Northwesterly, along said centerline of West Ridge Road, a distance of 510 feet, more or less, to the centerline extension of Minder Street (50' ROW); thence
- 2) Southwesterly, along said extension and the centerline of Minder Street, a distance of 345 feet, more or less, to the centerline of Pullman Avenue (60' ROW); thence
- 3) Northwesterly, along said centerline of Pullman Avenue, a distance of 695 feet, more or less, to an angle point; thence
- 4) Westerly, continuing along said centerline of Pullman Avenue, a distance of 500 feet, more or less, to the centerline of Desmond Street (50' ROW); thence
- 5) Northerly, along said centerline of Desmond Street, a distance of 425 feet, more or less, to the centerline of Palm Street (50' ROW); thence
- 6) Easterly, along said centerline of Palm Street, a distance of 405 feet, more or less, to an angle point; thence

- 7) Northeasterly, continuing along said Palm Street centerline and its extension, a distance of 82 feet, more or less, to the centerline of West Ridge Road; thence
- 8) Northwesterly, along said centerline of West Ridge Road, a distance of 873 feet, more or less, to the northerly extension of the east line of Lot 2 of the Eastman Kodak Subdivision, as filed in the Monroe County Clerk's Office in Liber 310 of Maps, Page 96; thence
- 9) Southwesterly, along said east line of Lot 2, a distance of 238 feet, more or less, to the southeast corner thereof; thence
- 10) Westerly, along the south line of said Lot 2 and its extension, a distance of 660 feet, more or less, to the centerline of Dewey Avenue (100' ROW); thence
- 11) Northerly, along said centerline of Dewey Avenue, a distance of 698 feet, more or less, to the centerline of West Ridge Road; thence
- 12) Southeasterly, along said centerline of West Ridge Road, a distance of 742 feet, more or less, to the intersection of the westerly extension of the former Hanford Landing Road centerline; thence
- 13) Easterly, along said extension and the former centerline of Hanford Landing Road, a distance of 115 feet, more or less, to the southerly extension of the east line of Lot 4 of the Glass Ridge Road Resubdivision, as filed in the Monroe County Clerk's Office in Liber 38 of Maps, Page 24; thence
- 14) Northerly, along said extension and the east line of Lot 4, a distance of 146 feet, more or less, to the north line thereof; thence
- 15) Northwesterly, along said north line of Lot 4 and its extension, a distance of 61 feet, more or less, to the centerline of Woodside Street; thence
- 16) Northeasterly, along said centerline of Woodside Street, a distance of 162 feet, more or less, to the southern terminus of Woodside Street abandoned per Ordinance No. 1998-316; thence
- 17) Northwesterly, parallel with said West Ridge Road, a distance of 491 feet, more or less, to the east line of Lot 2 of the Ridge-Dewey Citibank Subdivision, as filed in the Monroe County Clerk's Office in Liber 264 of Maps, Page 85; thence
- 18) Northeasterly, along said east line of Lot 2, a distance of 73.6 feet to the northeast corner thereof; thence
- 19) Westerly, along the north line of said Lot 2, a distance of 367.5 feet, more or less, to the centerline of Dewey Avenue (ROW Varies); thence
- 20) Northerly, along said centerline of Dewey Avenue, a distance of 310 feet, more or less, to the centerline intersection of Eastman Avenue (66' ROW); thence
- 21) Easterly, along said centerline of Eastman Avenue, a distance of 615 feet, more or less, to the centerline intersection of Goodwill Street (50' ROW); thence
- 22) Northerly, along said centerline of Goodwill Street, a distance of 377.7 feet, more or less, to the westerly extension of the south line of Lot 113 of the Adelgonde

- Eddy Tract, as filed in the Monroe County Clerk's Office in Liber 29 of Maps, Page 22; thence
- 23) Easterly, along said extension and the south line of Lot 113, a distance of 197.5 feet, more or less, to the southeast corner thereof; thence
 - 24) Northerly, along the east line of said Lot 113 and the east line of the Ardmore Resubdivision, as filed in the Monroe County Clerk's Office in Liber 64 of Maps, Page 18, a distance of 479.8 feet, more or less, to the northeast corner of Lot 42 of said resubdivision; thence
 - 25) Easterly, along the extension of the north line of said Lot 42, a distance of 50.0 feet to the southerly extension of the east line of Lot 1 of the Saint Ann's Home Subdivision, as filed in the Monroe County Clerk's Office in Case A-14 of Maps; thence
 - 26) Northerly, along said extension, a distance of 23.25 feet to the southeast corner of said Lot 1; thence
 - 27) Easterly, along the south line of said Saint Ann's Home Subdivision, a distance of 1250.0 feet to the southeast corner of Lot 26 of said subdivision; thence
 - 28) Northerly, along the east line of said Lot 26 and it's extension, a distance of 127 feet, more or less, to the centerline of Merrill Street (66' ROW); thence
 - 29) Easterly, along said centerline of Merrill Street, a distance of 550 feet, more or less, to the centerline of Lake Avenue (100' ROW); thence
 - 30) Northerly, along said centerline of Lake Avenue, a distance of 44 feet, more or less, to the westerly extension of the north line of Lot BR-1a of the Eastman Kodak B-81 Resubdivision, as filed in the Monroe County Clerk's Office in Liber 306 of Maps, Page 52; thence
 - 31) Easterly, along said extension and the north line said Lot BR-1a, a distance of 213 feet, more or less, to the northeast corner thereof, also being the northeast corner of Lot AR-1a of said subdivision; thence
 - 32) Southeasterly, along the east line of said Lot AR-1a and being the top of bank of the Genesee River, a distance of 875 feet, more or less, to the southeast corner of said Lot; thence
 - 33) Southwesterly, along the south line of said Lot AR-1a and its extension , a distance of 310 feet, more or less, to said centerline of Lake Avenue; thence
 - 34) Southerly, along said centerline of Lake Avenue, a distance of 180 feet, more or less, to the centerline intersection of Maplewood Drive (ROW Varies); thence
 - 35) Southeasterly, along the various courses of said Maplewood Drive, a distance of 2300 feet, more or less, to the easterly extension of the former south ROW line of Keehl Street, as abandoned by Ordinance No. 1998-316; thence
 - 36) Westerly, along said extension and the former south ROW line of Keehl Street, a distance of 187 feet, more or less, to the east line of Lot 8 of the Riverview Tract, as filed in the Monroe County Clerk's Office in Liber 26 of Maps, Page 33; thence

- 37) Southerly, along said east line of Lot 8, a distance of 48.0 feet to the westerly extension of the south line of Lot 2 of the William MacLean Subdivision, as filed in the Monroe County Clerk's Office in Liber 36 of Maps, Page 33; thence
- 38) Easterly, along said extension of the south line of Lot 2, a distance of 16.0 feet to the southwest corner thereof; thence
- 39) Southerly, along the west line of said MacLean Subdivision, a distance of 98.0 feet to the north line of the Stein & Scheib Amended Subdivision, as filed in the Monroe County Clerk's Office in Liber 60 of Maps, Page 32; thence
- 40) Westerly, along said north line of the Stein & Scheib Subdivision, a distance of 179 feet, more or less, to the northeast corner of Lot 45 of said subdivision; thence
- 41) Southerly, along the east line of said Lot 45, a distance of 191 feet, more or less, to the southeast corner thereof; thence
- 42) Westerly, along the north line of said Stein & Scheib Subdivision, a distance of 649 feet, more or less, to the northwest corner of Lot 12 of said subdivision; thence
- 43) Southerly, along the west line of said Lot 12 and it's extension, a distance of 165.2 feet, more or less, to the centerline of Redwood Road (60' ROW); thence
- 44) Westerly, along said centerline of Redwood Road, a distance of 210 feet, more or less, to the southerly extension of the east line of lands conveyed to Michael J. Piehler Trust by a deed filed in Liber 8698, Page 469; thence
- 45) Northerly, along said extension and the east line of lands of Piehler, a distance of 167.7 feet, more or less, to the northeast corner thereof; thence
- 46) Westerly, along the north line of said lands of Piehler and its extension, a distance of 168 feet, more or less, to the centerline of Lake Avenue (90' ROW); thence
- 47) Southerly, along said centerline of Lake Avenue, a distance of 580 feet, more or less, to the centerline intersection of West Ridge Road, said intersection being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Ordinance No.

Changing The Zoning Classification Of
9 S. Goodwill Street And 9 Woodside Street
From T-P Transitional Parking To C-3
Regional Destination Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 9 S. Goodwill Street and 9 Woodside Street, from T-P Transitional Parking to C-3 Regional Destination Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows:

Beginning at a point on the centerline of Woodside Street (50' ROW) at the southern terminus of that portion of Woodside Street abandoned per Ordinance No. 1998-316, said point being the Point or Place of Beginning; thence

- 1) Southwesterly, along said centerline of Woodside Street, a distance of 97.85 feet to a point; thence
- 2) Northwesterly, along the north line of Lot 24 of the Glass' Ridge Road Subdivision, as filed in the Monroe County Clerk's Office in Liber 22 of Maps, Page 33, a distance of 155.0 feet to the northwest corner thereof; thence
- 3) Southwesterly, along the rear line of said Lot 24, a distance of 40.0 feet to a point; thence
- 4) Northwesterly, parallel with and 160.5 feet distant from West Ridge Road, a distance of 155.0 feet to the centerline of South Goodwill Street (50' ROW); thence
- 5) Southwesterly, along said centerline of South Goodwill Street, a distance of 10.0 feet to a point; thence
- 6) Northwesterly, along the south line of Lot 1 of the William Glass Resubdivision, as filed in the Monroe County Clerk's Office in Liber 54 of Maps, Page 14, a distance of 178.49 feet to the southwest corner thereof; thence
- 7) Northeasterly, along the rear line of said Lot 1 and Lots 2, 3 & 4, a distance of 147.87 feet to a point; thence
- 8) Southeasterly, parallel with West Ridge Road, a distance of 491.07 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Ordinance No.

Changing The Zoning Classification Of
480, 500, 540 And 570 Maplewood Drive
From T-P Transitional Parking To O-S
Open Space

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 480, 500, 540 and 570 Maplewood Drive, from T-P Transitional Parking to O-S Open Space:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows:

Beginning at the intersection of the centerline of Maplewood Drive (ROW Varies) and the westerly extension of the south line of lands conveyed to the City of Rochester by Eastman Kodak by a deed filed in Liber 8930, Page 431, commonly known as the Kings Landing Cemetery Parcel and being the Point or Place of Beginning; thence

- 1) Easterly, along said extension and the south line of said Cemetery Parcel, a distance of 200 feet, more or less, to the southeast corner thereof and also being on the top of bank of the Genesee River; thence
- 2) Southerly, along said top of bank, a distance of 820 feet, more or less, to the centerline of Hanford Landing Road; thence
- 3) Westerly, along said centerline of Hanford Landing Road, a distance of 95 feet, more or less, to the said centerline of Maplewood Drive; thence
- 4) Northerly and westerly, along the various courses of said centerline of Maplewood Drive, a distance of 855 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Ordinance No.

Changing The Zoning Classification Of
119 And 131 W. Ridge Road And 32 Pullman
Avenue From T-P Transitional Parking To
C-2 Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 119 and 131 W. Ridge Road and 32 Pullman Avenue, from T-P Transitional Parking to C-2 Community Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows:

Beginning at the centerline intersection of Minder Street (50' ROW) as dedicated per Ordinance No. 2004-226 and West Ridge Road (ROW Varies), said centerline intersection being the Point or Place of Beginning; thence

- 1) Southeasterly, along said centerline of West Ridge Road, a distance of 107 feet, more or less, to the northerly projection of the former Minder Street, as abandoned per Ordinance No. 2004-226; thence
- 2) Southwesterly, along said projection and the centerline of former Minder Street, a distance of 296 feet, more or less, to the centerline of Pullman Avenue (48' ROW); thence
- 3) Westerly, along said centerline of Pullman Avenue, a distance of 81 feet, more or less, to an angle point; thence
- 4) Northwesterly, continuing along said centerline of Pullman Avenue, a distance of 50 feet, more or less, to the said centerline of Minder Street as dedicated per Ordinance No. 2004-226; thence
- 5) Northeasterly, along said centerline of Minder Street, a distance of 345 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Local Law No.

Local Law Authorizing A Water Franchise
Agreement With Eastman Kodak Company

WHEREAS, the Eastman Kodak Company has operated its own water treatment plant to provide water to its own facilities in the City; and

WHEREAS, the Eastman Kodak Company has developed a master plan and marketing strategy to facilitate the sale or lease of their remaining unneeded buildings and underutilized vacant land and infrastructure for private development/redevelopment, and their provision of water is a key component of such strategy; and

WHEREAS, the water for the Eastman Business Park is provided by Eastman Kodak Company, which needs a franchise agreement from the City in order to provide water to other users in the Eastman Business Park; and

WHEREAS, notwithstanding the requirements of Section 5-24 of the City Charter, the City grants this franchise without public auction because the provision of water through this franchise is unique and does not impact the public right of way in the manner of traditional franchises anticipated by the City Charter and because the Eastman Kodak Company has existing facilities and has provided water to the Eastman Business Park parcels continuously for many years and is in a unique position to continue to provide the water.

NOW, THEREFORE, BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the granting of a franchise to the Eastman Kodak Company to provide water to other users in the Eastman Business Park in the City. The franchise agreement shall obligate Eastman Kodak Company to pay to the City \$0.10 per 1,000 gallons sold to other users in the City.

Section 2. The franchise agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

INTRODUCTORY NO.

148

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Ordinance No.

Authorizing An Amendatory Agreement
With The Monroe County Water Authority

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Monroe County Water Authority (MCWA) to allow the sale by the MCWA of water to Eastman Kodak Company for use in the Eastman Business Park-East in the City.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.